

# **Exhibit 1**



**TO:** Rosemarie Pierce  
Comcast Corporation  
1701 John F. Kennedy Blvd, One Comcast Center - 50th Floor  
Philadelphia, PA 19103

**RE:** **Process Served In Massachusetts**

**FOR:** Comcast Phone of Massachusetts, Inc. (Domestic State: DE)

**Service of Process  
Transmittal**  
06/13/2012  
CT Log Number 520676526

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Massachusetts Systems Contractors Association, Inc., Pltf. vs. Verizon New England, Inc., and Comcast Phone of Massachusetts, Inc., Dfts.

**DOCUMENT(S) SERVED:** Summons, Proof of Service, Verified Complaint, Verification(s), Exhibit(s), Motion(s), Memorandum

**COURT/AGENCY:** Worcester County District Court Department -Worcester Division, Worcester County, MA  
Case # 20121165D

**NATURE OF ACTION:** Action for Plaintiff to enjoin illegal Security Systems Work by unlicensed corporations

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Boston, MA

**DATE AND HOUR OF SERVICE:** By Process Server on 06/13/2012 at 13:00

**JURISDICTION SERVED :** Massachusetts

**APPEARANCE OR ANSWER DUE:** Within 20 days after service, exclusive of the day of service

**ATTORNEY(S) / SENDER(S):** Patricia L. Davidson  
Mirick, O'Connell, DeMallie & Lougee, LLP  
100 Front Street  
Worcester, MA 01608  
508-791-8500

**ACTION ITEMS:** CT has retained the current log, Retain Date: 06/13/2012, Expected Purge Date: 06/18/2012  
Image SOP

**SIGNED:** C T Corporation System  
**PER:** Dahrleena Mitchell  
**ADDRESS:** 155 Federal Street  
Suite 700  
Boston, MA 02110  
**TELEPHONE:** 617-757-6404

Page 1 of 1 / DD

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.



**PROOF OF SERVICE OF PROCESS**

I hereby certify and return that on .....

20....., I served a copy of the within summons, together with a copy of the complaint in this action, upon the within-named defendant, in the following manner (See Mass. R. Civ. P 4(d) (1-5):

.....  
.....  
.....

Dated: ..... , 20.....

**N.B. TO PROCESS SERVER:**

**PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX  
ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.**

, 20

**COMMONWEALTH OF MASSACHUSETTS**

Worcester, ss.

Superior Court  
Civil Action

No. 2012-1165-D

Massachusetts Systems Contractors  
Association, Inc. .... Plaintiff

v.

Verizon New England, Inc. and  
Comcast Phone of Massachusetts, Inc. .... Defendant

**SUMMONS**

(Mass. R. Civ. P. 4)



CT Corporation

**Service of Process**

**Transmittal**

06/13/2012

CT Log Number 520676563

**TO:** Sabrina Moyano  
Verizon Communications Inc.  
One Verizon Way  
Basking Ridge, NJ 07920-1097

**RE:** **Process Served In Massachusetts**

**FOR:** Verizon New England Inc. (Domestic State: NY)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Massachusetts Systems Contractors Association, Inc., Pltf. vs. Verizon New England, Inc., and Comcast Phone of Massachusetts, Inc., Dfts.  
*Name discrepancy noted.*

**DOCUMENT(S) SERVED:** Summons, Proof of Service, Verified Complaint, Verification(s), Exhibit(s), Motion(s), Memorandum

**COURT/AGENCY:** Worcester County District Court Department -Worcester Division, Worcester County, MA  
Case # 20121165D

**NATURE OF ACTION:** Action for Plaintiff to enjoin Illegal Security Systems Work by unlicensed corporations

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Boston, MA

**DATE AND HOUR OF SERVICE:** By Process Server on 06/13/2012 at 13:00

**JURISDICTION SERVED :** Massachusetts

**APPEARANCE OR ANSWER DUE:** Within 20 days after service, exclusive of the day of service

**ATTORNEY(S) / SENDER(S):** Patricia L. Davidson  
Mirick, O'Connell, DeMille & Lougee, LLP  
100 Front Street  
Worcester, MA 01608  
508-791-8500

**ACTION ITEMS:** SOP Papers with Transmittal via Fed Ex 2 Day , 793675613784  
Image SOP  
Email Notification, Sabrina Moyano sabrina.moyano@verizon.com  
Email Notification, Victoria J Wefer victoria.j.wefer@verizon.com  
Email Notification, Alice Burke alice.burke@verizon.com  
Email Notification, Alexander Shekhter alexander.v.shekhter@verizon.com

**SIGNED:**  
**PER:**  
**ADDRESS:** C.T. Corporation System  
Dahlrena Mitchell  
155 Federal Street  
Suite 700  
Boston, MA 02110  
617-757-6404

Page 1 of 1 / DD

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# COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

**Superior Court  
Department of the Trial Court  
of the Commonwealth  
Civil Action**

No. 2012-1165-D

**Massachusetts Systems Contractors  
Association, Inc.**

**Plaintiff(s)**

## SUMMONS

Verizon New England, Inc. and  
Comcast Phone of Massachusetts, Inc.

**Defendant(s)**

\* To the above-named Defendant: Verizon New England, Inc.

You are hereby summoned and required to serve upon Patricia L. Davidson, Esq., Mirick, O'Connell, DeMallie & Lougee, LLP, plaintiff's attorney, whose address is 100 Front Street, Worcester, MA 01608, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the SUPERIOR COURT Department of the Trial Court at WORCESTER either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counter-claim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse, Esquire, at Worcester, the.....13th.....  
day of .....June.....in the year of our Lord two thousand and  
twelve.....

A True Copy Attested

  
Daniel B. Gately  
**Constable And Disinterested Person**

  
Clerk

#### NOTES.

- NOTES:**

  1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
  2. When more than one defendant is involved, the names of all defendants should appear in the caption.  
If a separate summons is used for each defendant, each should be addressed to that particular defendant.

PLEASE CIRCLE TYPE OF ACTION INVOLVED: TORT — MOTOR VEHICLE TORT — CONTRACT/EQUITABLE RELIEF — CH. 93A — MEDICAL MALPRACTICE — OTHER.

\* NOTICE TO DEFENDANT: You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein AND also file the original in the Clerk's Office, Superior Court, Room 1008.

**PROOF OF SERVICE OF PROCESS**

I hereby certify and return that on .....  
20....., I served a copy of the within summons, together with a copy of the complaint in this action,  
upon the within-named defendant, in the following manner (See Mass. R. Civ. P 4(d) (1-5):  
.....  
.....  
.....

Dated: ..... 20.....

**N.B. TO PROCESS SERVER:**

**PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX  
ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.**

20

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court  
Civil Action

No. 2012-1165-D

Massachusetts Systems Contractors  
Associations, Inc. .... Plaintiff

v.

Verizon New England, Inc. and  
Comcast Phone of Massachusetts, Inc. .... Defendant

SUMMONS

(Mass. R. Civ. P. 4)

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO:

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.,  
Plaintiff

v.

VERIZON NEW ENGLAND, INC. and  
COMCAST PHONE OF MASSACHUSETTS,  
INC.,

Defendants

**RECEIVED**  
VERIFIED COMPLAINT

JUN 12 2012

CLERK OF COURTS  
WORCESTER COUNTY

**INTRODUCTION**

The plaintiff is an association of licensed electronic systems contractors. Systems contractors advertise, sell, contract for, install, test, maintain, repair and monitor conductors, cables, raceways, apparatus, devices, fixtures, or other appliances used for fire warning, security, or signaling, or comparable power limited functions (the "Security Systems Work"). G.L. c. 141, §1; 237 CMR 12.01. Security Systems Work is strictly regulated by state law. The plaintiff brings this action to enjoin illegal Security Systems Work by unlicensed corporations.

The defendants are telecommunication companies that provide cable, internet and telephone services to residential and commercial customers. The defendants recently began to engage in Security Systems Work. The defendants are providing Security Systems Work by and through unlicensed persons or businesses. The defendants are harming MSCA members and the public by having unqualified persons or businesses perform Security Systems Work. The

unlicensed Security Systems Work is causing, and will continue to cause, irreparable harm to association members and to the public.

The plaintiff seeks (1) a declaration that the Security Systems Work performed by the defendants consists of work that requires licensure pursuant to G.L. c. 141 and G.L. c. 147, §§57-61; (2) a declaration that the defendants are violating the statutes by performing the Security Systems Work without the requisite licensure; and (3) a preliminary injunction enjoining the defendants from advertising, selling, contracting for, installing, testing, maintaining, repairing, and monitoring the Security Systems Work.

### THE PARTIES

1. The plaintiff, the Massachusetts Systems Contractors Association, Inc. ("MSCA"), is a corporation organized under the laws of Massachusetts with a principal office in Sharon, Massachusetts.

2. The defendant, Verizon New England, Inc. ("Verizon"), is a corporation organized under the laws of New York, with a principal office in Boston, Massachusetts. Verizon is actively doing business within the Commonwealth of Massachusetts.

3. The defendant, Comcast Phone of Massachusetts, Inc. ("Comcast"), is a corporation organized under the laws of Delaware, with a principal office in Philadelphia, Pennsylvania. Comcast is actively doing business within the Commonwealth of Massachusetts.

### FACTS

4. MSCA is a trade association comprised of systems contractors that are engaged in the business Security Systems Work.

5. The Security Systems Work is a professional occupation requiring a certain level of education, training and licensure to ensure competent and safe work. As such, the Security

Systems Work is strictly regulated by state law. In summary, a contractor engaged in Security Systems Work must be licensed by the State Examiners of Electricians, must pull permits from municipal wiring inspectors, and must undergo a criminal background check by the Department of Public Safety.

6. In general, there are four types of electrical licenses under Massachusetts law: Class A – Master Electrician; Class B – Journeyman Electrician; Class C – Systems Contractor; and Class D – Systems Technician. To earn and maintain each license, an individual must complete mandated classroom hours; must participate in on-the-job training; must pass practical and written examinations; must pay license fees; and must participate in continuing education.

7. Contractors engaged in Security Systems Work must hold an active Massachusetts electrical license. An individual systems contractor engaged in Security Systems Work must hold at least a Class D license. A business engaged in Security Systems Work must have a licensee with at least a Class C license serve as a qualifying officer. Obtaining a Class D license is a prerequisite to obtaining a Class C license. In all, a Class C license requires three years of on-the-job training; 300 hours of classroom education; 75 hours of advanced system technology and business coursework; and completion of practical and written examinations. 237 CMR 13.03, 13.04, 17.01.

8. The electrical licensure mandate for systems contractors is set forth in G.L. c. 141, §§1 and 1A, as well as in 237 CMR 12.01 and 17.01(c):

‘Security system’, an inherently power limited system of wires, conduits, apparatus, devices, fixtures, or other appliances installed and interconnected electrically or electronically to permit access control, proprietary signaling, surveillance and the detection of burglary, intrusion, holdup, or other conditions requiring response or the transmission of signals or audible alarms. G.L. c. 141, §1; 237 CMR 12.01.

No person, firm or corporation shall enter into, engage in, or work at the business or occupation of installing wires, conduits, apparatus, devices, fixtures, or other

appliances for carrying or using electricity for light, heat, power, **fire warning or security system purposes**, unless such person, firm or corporation shall be licensed by the State Examiners of Electricians in accordance with this Chapter, and, with respect to security systems, unless such person, firm or corporation shall also be licensed by the Commissioner of Public Safety in accordance with the provisions of Sections 57 to 61, inclusive of Chapter 147. G.L. c. 141, §1A.

9. Any advertisement must reflect the contractor's Massachusetts license number, as stated in 237 CMR 18.01(2):

A licensee shall only engage in the electrical trade or otherwise conduct business in the name printed on his or her license. Any sign, advertisement or other business communication of a Master electrician (Class A) or Journeyman electrician (Class B) or Systems Contractor (Class C) shall indicate the type of license and the license number.

10. The ramifications of performing Security Systems Work without the requisite licensure are set forth at G.L. c. 141, §5:

Any person, firm or corporation, or employee thereof, and any representative, member or officer of such firm or corporation individually, entering upon or engaging in the business and work hereinbefore defined, without having complied with this chapter, shall for the first offence be punished by a fine of not less than ten nor more than one hundred dollars, and for a subsequent offence by a fine of not less than fifty nor more than five hundred dollars or by imprisonment in the house of correction for six months, or both.

11. Because Security Systems Work has a direct impact on public safety, in addition to an electrical license, any business engaged in Security Systems Work must obtain an S-license from the Department of Public Safety. An S-license requires a criminal background check of all employees (not just those engaged in the installation of security systems). In other words, all employees who work for companies that engage in Security Systems Work must undergo a CORI check and receive a Certificate of Clearance. A criminal background check is necessary since individuals engaging in Security Systems Work enter homes and businesses; assess security vulnerabilities; install, maintain and monitor security systems; and have access to security codes.

12. The S-license mandate is set for in G.L. c. 147, §57:

The words "security system," as used in Sections 57 to 61, inclusive, shall mean wires, conduits, apparatus, devices, fixtures, or other appliances installed and interconnected electrically or electronically to permit access control, proprietary signaling, surveillance and the detection of burglary, intrusion, hold up, or other conditions requiring response or the transmission of signals or audible alarms.

No person, firm or corporation shall engage in, advertise, or hold themselves or itself out as being engaged in the business of installing, repairing, or offering maintenance for security systems, notwithstanding the name or title used in describing such business, unless licensed for such purpose as provided in Sections 58 and 59 of this Chapter, and Section 3 of Chapter 141.

13. In order to perform Security Systems Work, systems contractors must also pull permits from and notify municipal wire inspectors of the work. The permit mandate is set forth in G.L. c. 143, §3L:

The board of fire prevention regulations shall make and promulgate, and from time to time may alter, amend and repeal, rules and regulations relative to the installation, repair and maintenance of electrical wiring and electrical fixtures used for light, heat and power purposes in buildings and structures subject to the provisions of sections three to sixty, inclusive, and the state building code. Such regulations shall be in accordance with generally accepted standards of engineering practice, and shall be designed to provide reasonable uniform requirements of safety in relation to life, fire and explosion.

Upon the making of such rules and regulations and prior to their promulgation, the board shall hold a public hearing thereon, notice of which shall be given by advertising in at least one newspaper in each of the cities of Boston, Worcester, Springfield, Fall River, Lowell and Lynn, at least ten days before said hearing. If, subsequent to their being deposited with the state secretary, as provided herein, the board on its own initiative contemplates changes in said rules and regulations, or if a petition is filed by any other person for changes therein, like notice and a hearing shall be given and held before the adoption thereof.

Such rules and regulations, and any alterations, amendments or repeals thereof shall be deposited with the state secretary, and the same shall become effective when so deposited.

No person shall install for hire any electrical wiring or fixtures subject to this section without first or within five days after commencing the work giving notice to the inspector of wires appointed pursuant to the provisions of section thirty-two of chapter one hundred and sixty-six. Said notice shall be given by mailing or delivering a permit application form prepared by the board, to said inspector. Any

person failing to give such notice shall be punished by a fine not exceeding five hundred dollars. This section shall be enforced by the inspector of wires within his jurisdiction and the state examiners of electricians.

Any person installing for hire electrical wiring or fixtures subject to this section shall notify the inspector of wires in writing upon the completion of the work. The inspector of wires shall, within five days of such notification, give written notice of his approval or disapproval of said work. A notice of disapproval shall contain specifications of the part of the work disapproved, together with a reference to the rule or regulation of the board of fire prevention regulations which has been violated.

14. The purpose of these licensure and permitting requirements is to ensure that the persons providing the Security Systems Work are competent to perform the work – and do perform the work -- in a manner that will protect customers as well as real and personal property.

15. All MSCA members performing Security System Work maintain an active Massachusetts Class A, B, C or D electrical license, have a Certificate of Clearance and work for companies that have an S-license.

16. MSCA members that hold these licenses enjoy a property right in the license such that the practice of Security Systems Work by unlicensed persons constitutes an infringement of their rights.

17. On information and belief, Comcast and Verizon, through employees, agents, servants and/or subcontractors, are engaging in Security Systems Work without having earned at least a Class C electrical license.

18. On information and belief, Comcast and Verizon do not hold an S-license, and their employees, agents, servants and/or subcontractors who are performing the Security Systems Work do not hold a Certificate of Clearance

19. On information and belief, those performing the Security Systems Work on behalf of Comcast and Verizon do not have any educational or training requirements or oversight from any regulatory or governmental body to ensure the work is performed in a safe and competent

manner. A letter dated April 5, 2009 from the Massachusetts Department of Telecommunications and Cable confirming the lack of training and education is attached as **Exhibit A.**

20. On information and belief, the defendants are not pulling permits from inspectors of wires prior to engaging in the Security Systems Work. Municipal wiring inspectors are aware that Comcast and Verizon are performing the Security Systems Work without pulling permits. On information and belief, wiring inspectors from a number of cities and towns have already cited Comcast and Verizon for violating the permitting requirements. An Affidavit from Robert Venuti, an officer of the Municipal Electrical Inspectors Association of Massachusetts, is attached as **Exhibit B.**

21. On information and belief, Comcast and Verizon have engaged in, and continue to engage in, the following activities which constitute violations of the regulatory schemes in place and which have caused and will continue to cause harm to MSCA members, MSCA businesses and the public:

- a. Verizon is advertising the Security Systems Work on its website.

According to its website, Verizon's "Home Monitoring and Control" system is offered for purchase and installation through a variety of options, including a "Home Monitoring and Control Kit," "Home Monitoring Kit," or "Energy Control Kit." The advertisement does not include reference to Massachusetts license numbers. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Verizon is advertising Security Systems Work without being licensed for such purpose. A printout of the Verizon website is attached as **Exhibit C.**

- b. Comcast is also advertising the Security Systems Work on its website. The website offers customers "Xfinity Home" through monthly service plans categorized as "basic," "preferred," or "premier." The advertisement makes it clear that the service is currently available for purchase and installation. The advertisement does not include reference to Massachusetts license numbers. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising Security Systems Work without being licensed for such purpose. A printout of the Comcast website is attached as **Exhibit D**.
- c. Comcast has placed one or more advertisements with the Boston Globe for its home security and fire alarm system. The advertisements state that the company will install the system, including smoke detectors, for an installation fee, and that it will monitor the system for a monthly fee. The advertisement does not include reference to Massachusetts license numbers. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising Security Systems Work without being licensed for such purpose. A copy of the advertisement from the Boston Globe is attached as **Exhibit E**.
- d. An MSCA member received a solicitation from Verizon in the mail describing the "Verizon Home Monitoring and Control" service. The advertisement makes it clear that the service is currently available for purchase and installation. The advertisement does not include reference to Massachusetts license numbers. This conduct violates G.L. c. 141, § 1A

and G.L. c. 147, § 57 because Verizon is advertising Security Systems Work without being licensed for such purpose. A copy of the advertisement is attached as **Exhibit F**.

- e. A number of MSCA members have found door hangers from Comcast at their residences. The hangers advertise Xfinity Home service and make it clear that the service is currently available for purchase and installation. The advertisement does not include reference to Massachusetts license numbers. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising Security Systems Work without being licensed for such purpose. An example of the door hanger is attached as **Exhibit G**.
- f. In April 2012, an MSCA member received an email from an existing customer stating that he had spoken with Comcast regarding its home security service. Comcast had offered to install and monitor its security and alarm system, including smoke detectors and related hardware. A printout of the email is attached as **Exhibit H**.
- g. Both Verizon and Comcast have purchased advertisements on local radio stations promoting Security Systems Work. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising Security Systems Work without being licensed for such purpose.
- h. Comcast has solicited the sale of Security Systems Work at private residences. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising for entering into contracts for Security

Systems Work without being licensed to engage in the business of said work.

- i. Beginning in or around March 2012, MSCA members contacted Comcast, asked for, and received information regarding its home security systems. Comcast offered installation of systems and monitoring through monthly service plans, including touch screen keypad, multiple sensors, motion detectors, remote key chains, and smoke detectors. Packages also included options for service plans. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising and installing Security Systems Work without being licensed for such purpose.
- j. A number of MSCA members have also received phone calls from Comcast asking whether they would be interested in contracting with Comcast to install the home monitoring system. Through these solicitations, MSCA has learned that Comcast was performing the Security Systems Work in Massachusetts as early as February 2012. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is installing Security Systems Work without being licensed for such purpose.

**COUNT I**  
**DECLARATORY JUDGMENT**

22. The MSCA repeats and realleges the allegations contained in paragraphs 1 through 21 above.

23. A controversy exists concerning whether Comcast and Verizon, their employees, servants, agents, and assigns, are performing work that requires licensure pursuant to G.L. c. 141, § 1A, G.L. c. 147, § 57 and related regulations.

24. By performing this work without the requisite licensure, Comcast and Verizon are currently acting in violation of G.L. c. 141, § 1A, G.L. c. 147, § 57 and related regulations.

WHEREFORE, the MCSA seeks a declaration that Comcast and Verizon are performing work that requires a license and are acting in violation of G.L. c. 141, § 1A, G.L. c. 147, § 57 and related regulations.

**COUNT II**  
**PRELIMINARY / PERMANENT INJUNCTION**

25. The MCSA repeats and realleges the allegations contained in paragraphs 1 through 24 above.

26. The MCSA is entitled to an injunction because it is seeking through litigation to achieve the objectives of legislation, *i.e.* G.L. c. 141, § 1A, G.L. c. 147, § 57 and related regulations, enacted for the public health, safety, or welfare.

27. The MCSA has a reasonable likelihood of success on the merits of its claim that Comcast and Verizon, their employees, servants, agents, or assigns, are performing work that requires licenses without holding same.

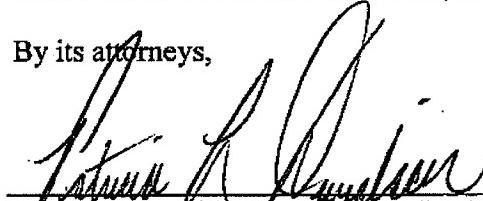
28. The performance of Security Systems Work by Comcast and Verizon has caused and will continue to cause irreparable harm to MCSA members and to the public due to the life safety and security concerns associated with the work. The legislature has enacted multiple licensure requirements to ensure that those performing this work are educated, competent, and trustworthy. In bypassing all of these legislative requirements, Comcast and Verizon are causing substantial and irreparable harm.

29. The equities favor enjoining the continued performance of Security Systems Work without proper licensure. The issuance of a preliminary injunction in this instance will merely return the licensure requirements surrounding the installation of security and alarm systems in the Commonwealth to the status quo, wherein all those advertising, installation, repairing, or maintaining such systems will hold the same licenses.

WHEREFORE, the MSCA respectfully requests that this Court enjoin Comcast and Verizon from advertising, selling, contracting for, installing, testing, maintaining, repairing and monitoring conductors, cables, raceways, apparatus, devices, fixtures, or other appliances used for fire warning, security, or signaling, or comparable power limited functions.

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.

By its attorneys,



---

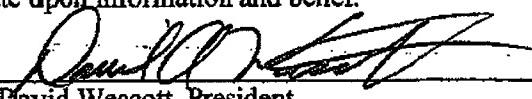
Patricia L. Davidson, Esq., BBO #556647  
David L. Fine, Esq., BBO #663407  
Mirick, O'Connell, DeMallie & Lougee, LLP  
100 Front Street  
Worcester, MA 01608-1477  
Phone: (508) 791-8500  
Fax: (508) 791-8502

Dated:

*June 12, 2012*

**VERIFICATION**

I, David Wescott, President of Massachusetts Systems Contractors Association, and I,  
John Camozzi, Vice President of Massachusetts Systems Contractors Association state under the  
pains and penalties of perjury that we have reviewed the factual allegations contained in this  
Complaint and attest that they are true, except where state upon information and belief.



\_\_\_\_\_  
David Wescott, President  
Massachusetts Systems Contractors  
Association

---

John Camozzi, Vice President  
Massachusetts Systems Contractors  
Association

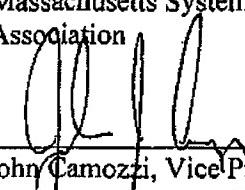
Dated:

**VERIFICATION**

I, David Westcott, President of Massachusetts Systems Contractors Association, and I,  
John Camozzi, Vice President of Massachusetts Systems Contractors Association state under the  
pains and penalties of perjury that we have reviewed the factual allegations contained in this  
Complaint and attest that they are true, except where state upon information and belief.

---

David Westcott, President  
Massachusetts Systems Contractors  
Association



---

John Camozzi, Vice President  
Massachusetts Systems Contractors  
Association

Dated:

## **EXHIBIT A**



**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

TWO SOUTH STATION  
BOSTON, MA 02110  
(617) 305-3580  
[www.mass.gov/dtc](http://www.mass.gov/dtc)

DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

GREGORY BIALECKI  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

SANDRA CLARKE  
INTERIM UNDERSECRETARY  
OFFICE OF CONSUMER AFFAIRS AND  
BUSINESS REGULATIONS

CAROL E. FOLTZ  
INTERIM COMMISSIONER

April 15, 2009

Representative Colleen M. Garry  
55 Chapman Street  
Dracut, MA 01826

Dear Representative Garry,

I am responding to your April 3, 2009 letter regarding whether the Department of Telecommunication and Cable ("DTC") has any authority over the training and education of telecommunication employees.

Your understanding of the DTC's responsibilities as written in 220 CMR are correct. We do not manage or supervise that segment of the telecommunications' industry.

If I can be of further assistance in this matter, please let me know.

Sincerely,

*Carol E. Foltz*  
Carol E. Foltz  
Interim Commissioner

## **EXHIBIT B**

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO.

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.

Plaintiff

V.

VERIZON NEW ENGLAND, INC, and  
COMCAST PHONE OF MASSACHUSETTS,  
INC.,

Defendants

**AFFIDAVIT OF ROBERT R. VENUTI**

I, Robert R. Venuti, being duly sworn, depose and state the following based on my personal knowledge and belief:

1. I am a licensed electrician who lives at 100 Commercial Street, Boston, Massachusetts.
2. I possess my Master Electrical License in Massachusetts (License No. 5453 A) and New Hampshire (License No. 1378), a Journeyman Electrical License in Massachusetts (License No. 14488 E), and a City of Boston Builders City License B&C.
3. I am a former Electrical Inspector and former Senior Electrical Engineer for the City of Boston. I am also the former Assistant Operations Manager for the Massachusetts Convention Center Authority.

4. I am past President of the Eastern Section of the International Association of Electrical Inspectors and Past President of the Paul Revere Chapter of the International Association of Electrical Inspectors.

5. I am the current Secretary/Treasurer for the Municipal Electrical Association of Massachusetts, Rhode Island, and New Hampshire, have been for 34 years.

6. I am aware that Verizon and Comcast have begun to advertise and install security and alarm systems within the Commonwealth.

7. Based on my years of experience in the electrical field, extensive training, and education, it is my opinion that by through the Home Monitoring Service and Xfinity Home, respectively, Verizon and Comcast are performing work that requires an electrical license issued by the Massachusetts Board of State Examiners of Electricians and an "S" license issued by the Massachusetts Department of Public Safety. In addition, the work is of the nature that requires a the municipal wiring inspector to issue a permit prior to the work commencing and to inspect the work upon completion.

8. On information and belief, inspectors of wires in at least two cities or towns have notified Verizon and/or Comcast that the work they are performing requires that they contact the municipal inspector of wires prior to performing the work; that they receive a permit from the inspector of wires to perform the work; and that they contact the inspector of wires once the work is complete for an inspection, all pursuant to M.G.L. c. 143, §3L.

9. As a former inspector, I have firsthand knowledge of the negative consequences that can arise from an improperly installed security and alarm systems. If an alarm system fails, the occurrences that the alarm is meant to protect against will manifest themselves, including damage to and loss of real property, personal property, and life.

10. This Affidavit is being offered to the best of my knowledge.

SIGNED UNDER THE PAINS AND PENALTY OF PERJURY, THIS 11<sup>th</sup> DAY OF JUNE, 2012.

*Robert R. Venuti*

Robert R. Venuti  
100 Commercial Street  
Boston, MA 02110

# **EXHIBIT C**

Residential      Business      Wireless

MA (change) | Sign In / Register

Services      Shop      Support

Community      Search

We are looking up your account information and checking for available services.  
This will only take a moment.



Loading Please Wait ...  
Verizon Shop > Verizon Home Monitoring and Control

## Home Monitoring and Control

Lets you monitor and control your home, anytime,  
virtually anywhere.



### Unlimited Remote Access

\$9.99 per month

Anytime and virtually anywhere online access to monitor and control your home. *Verizon broadband required.*

Wondering where to start?



It's easy to create your perfect home monitoring system. Just answer a few questions, and we'll suggest the right video cameras and energy monitors for your needs.

[Get Started](#)

### Verizon Home Monitoring and Control

Our home automation solution lets you monitor your home environment to help safeguard your family and budget. The system is easy to customize and install. Then control it through a password-protected website for just \$9.99 per month.

Help lower energy use, gain peace of mind

Verizon Home Monitoring and Control lets you self-monitor your home environment from home or away. Depending on the equipment you have or choose to purchase, the system can:

- Let you remotely adjust your thermostat 24/7, over a laptop or even most smartphones

- Help lower your energy use by showing where/when electricity is being used
- Let you remotely view your home and lock or unlock doors
- Send automatic event notifications to your computer or phone
- And much more

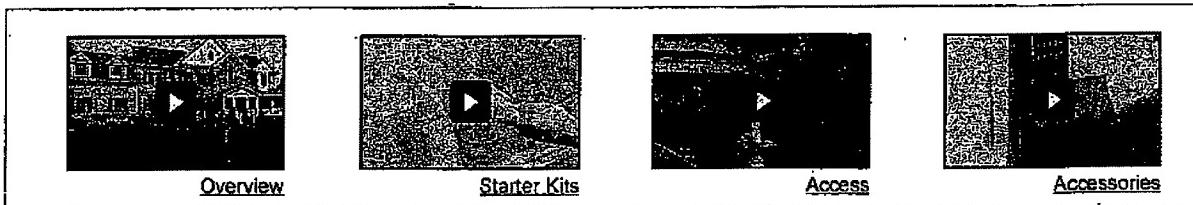
It's easy to install, and easy to use. Anytime and virtually anywhere online access to your system is just \$9.99 per month. Verizon Internet service and equipment kits are required and must be purchased separately.

#### Why you can trust Verizon

For over 100 years, Verizon has provided the innovative products and services that keep people connected in an increasingly busy world.

That's why you can trust Verizon to utilize our advanced technology and expertise to deliver a new home automation and energy management solution that offers you and your family the convenience, flexibility and peace of mind you deserve.

Critics, reviewers and industry professionals are saying that the Verizon FiOS network is becoming the new standard for fast, reliable TV and Internet service. We are committed to reaching the same levels of success and customer satisfaction with our new home automation products.



**Wherever you roam, always know what's going on at home.**

Worrying about your home can really take the fun out of travel! A home monitoring system lets you know that everything is okay. Set up a "Vacation" mode that will send you text message or email alerts when something has happened. Then log in through a PC or compatible smartphone to view video of the event and decide what action to take.

**Knock, knock. Who's there? Oh, hi, come on in!**

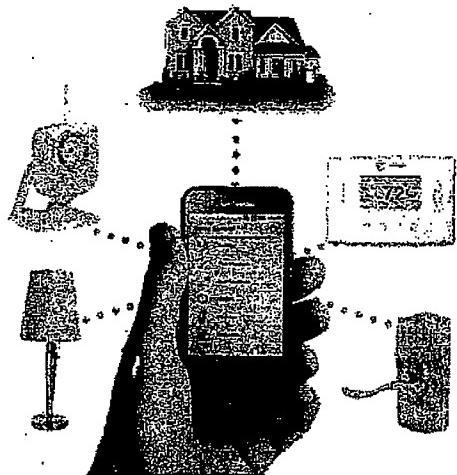
Children and babysitters, delivery people, contractors and repairmen, houseguests - a lot of people need to get into your home when you can't be there. You don't always want to give out your house key, but what's the alternative? Verizon Home Monitoring and Control has a solution: pass code-activated door locks that lock and unlock your home (even deadbolt locks!) when you decide. Monitor the people who come and go through your front door, and grant or deny access from your PC or compatible smartphone.

#### Benefits of Verizon Home Monitoring and Control

- 30 day money-back-guarantee on your entire purchase
- Free Energy Reader (\$99.99 value) with purchase of Energy Control Kit or Home Monitoring and Control Kit
- 12-month warranty on all equipment
- One low monthly price for unlimited remote access
- Convenient monthly installment-billing on your Verizon bill
- \$7.99 flat rate shipping
- Self-monitor your home, your way
- FiOS TV Customers: Control your home via the Home Control Dashboard on the FiOS TV menu
- User-friendly set-up and configuration wizard

**Part of your Home Control**

Home Monitoring and Control is the first of the Verizon Home Control family of services. Designed to take advantage of high speed Internet connections, these services will combine to customize your 21st century home to be more comfortable and more interactive.



We have Equipment Kits to fit every need and budget!

**Home Monitoring and Control Kit**



Automate your 21st century home! Self-monitor events in and around your house and take control of your home's energy consumption.

**What's in the kit:**

- 1 Gateway Device
- 1 Smart Thermostat
- 1 Appliance Switch 110 Volt
- 1 Indoor Camera
- 1 Indoor Light Module
- 1 Energy Reader - Free (\$99.99 value)
- 1 Remote Control

from \$219.99 Plus \$9.99 per month, unlimited remote access



[Read all reviews](#)

[Learn More](#)

**Home Monitoring Kit**



Never be taken by surprise! View video of events at your house over your broadband connection - whether you are at home or away.

**What's in the kit:**

- 1 Gateway Device
- 1 Indoor Camera

- 1 Indoor Light Module

from \$69.99 Plus \$9.99 per month, unlimited remote access



[Read all reviews](#)

[Learn More](#)

#### Energy Control Kit



Lower energy use, help the environment! Take control of your energy consumption and help lower your utility bills while conserving resources.

#### What's in the kit:

- 1 Gateway Device
- 1 Smart Thermostat
- 1 Appliance Switch 110 Volt
- 1 Energy Reader - Free (\$99.99 value)
- 1 Remote Control

from \$169.99 Plus \$9.99 per month, unlimited remote access



[Read all reviews](#)

[Learn More](#)

Home Monitoring and Control Service is provided by Verizon Online LLC. Licensed in NY # 12000302262 by NY State Department of State, VA DICS #11-6857. Requires home monitoring and control kit, starting at \$69.99 (card separately). Additional monthly recurring service fee of \$9.99 billed separately. \$7.99 Shipping fee & other taxes and charges apply. Requires home monitoring and control equipment kit, Verizon broadband service and home network, sold separately. If you are not completely satisfied, you may cancel your service within 30 days of order, return all equipment provided and receive a refund for any monthly service or equipment charges paid. If you fail to return the equipment an equipment fee will apply. Home Monitoring and Control Service is not available for small business users and is not intended for non-residential consumer or commercial business use. Other terms and conditions apply.



#### Home Monitoring and Control Kit

from \$219.99 Plus \$9.99 per month, unlimited remote access

[Add to Cart](#)  
[Customize Your Kit](#)

#### Home Monitoring Kit

from \$69.99 Plus \$9.99 per month, unlimited remote access

[Add to Cart](#)  
[Customize Your Kit](#)

#### Energy Control Kit

from \$169.99 Plus \$9.99 per month, unlimited remote access

[Add to Cart](#)  
[Customize Your Kit](#)

#### Indoor & Outdoor Cameras

##### What's in the kit?

- 1 Indoor Camera

#### Indoor Lighting Modules

- 1 Indoor Light Module

##### What's in the kit?

- 1 Indoor Camera

- 1 Indoor Light Module

##### What's in the kit?

- 1 Smart Thermostat

#### Smart Thermostats & Control Panels

- 1 Smart Thermostat

#### Appliance Modules

- 1 Appliance Switch 110 Volt

- 1 Appliance Switch 110 Volt

#### Energy Reader

- 1 Energy Reader

- 1 Energy Reader

#### Remote Control

- 1 Remote Control

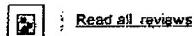
- 1 Remote Control

**Door Locks****Door & Window Sensors****Upgrade your Verizon Home Monitoring and Control system**

-  [Indoor & Outdoor Cameras](#)
-  [Door Locks](#)
-  [Indoor Lighting Modules](#)
-  [Door & Window Sensors](#)
-  [Appliance Modules](#)
-  [Smart Thermostats & Control Panels](#)
-  [Energy Reader](#)
-  [Remote Control](#)

**Don't have a Verizon Home Monitoring and Control system yet? We have Equipment Kits to fit every need and budget!****Home Monitoring and Control Kit****Automate your 21st century home! Self-monitor events in and around your house and take control of your home's energy consumption.****What's In the kit:**

- 1 Gateway Device
- 1 Smart Thermostat
- 1 Appliance Switch 110 Volt
- 1 Indoor Camera
- 1 Indoor Light Module
- 1 Energy Reader - Free (\$99.99 value)
- 1 Remote Control

**from \$219.99 Plus \$9.99 per month, unlimited remote access**[Learn More](#)**Home Monitoring Kit**



Never be taken by surprise! View video of events at your house over your broadband connection - whether you are at home or away.

**What's in the kit:**

- 1 Gateway Device
- 1 Indoor Camera
- 1 Indoor Light Module

from \$69.99 Plus \$9.99 per month, unlimited remote access



[Read all reviews](#)

[Learn More](#)

**Energy Control Kit**



Lower energy use, help the environment! Take control of your energy consumption and help lower your utility bills while conserving resources.

**What's in the kit:**

- 1 Gateway Device
- 1 Smart Thermostat
- 1 Appliance Switch 110 Volt
- 1 Energy Reader - Free (\$99.99 value)
- 1 Remote Control

from \$169.99 Plus \$9.99 per month, unlimited remote access



[Read all reviews](#)

[Learn More](#)



**Equipment Kits**

- [Home Monitoring and Control Kit](#)
- [Home Monitoring Kit](#)
- [Energy Control Kit](#)

**Upgrade Your System**

- [Indoor & Outdoor Cameras](#)
- [Door Locks](#)
- [Indoor Lighting Modules](#)
- [Door & Window Sensors](#)
- [Appliance Modules](#)
- [Smart Thermostats & Control Panels](#)
- [Energy Reader](#)
- [Remote Control](#)



## **EXHIBIT D**

[Home](#)

- [Features](#)
- [Security](#)
- [Product Details](#)
- [Customer Login](#)

[Check Availability](#) ZIP CODE 

## Welcome to **XFINITY™ HOME** SECURITY • CONTROL • ENERGY

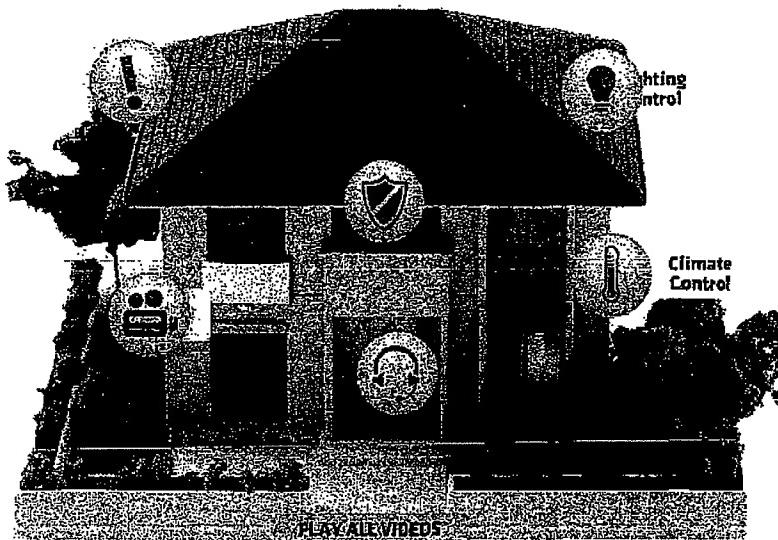
We've got a new name for our growing family of innovative, new, smart home services that add convenience and give you peace of mind by keeping you even better connected to your home and family.

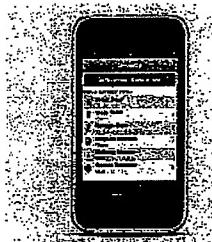
Want to see what makes XFINITY™ Home the total home security and home control solution? Use your cursor to explore the house to the right or [READ MORE >](#)

[START SHOPPING](#)

### In-Home Touch Screen

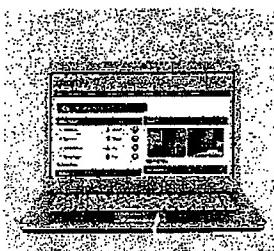
Get ultimate control of your security system, lighting controls and more.  
[Read More >](#)

[PLAY ALL VIDEOS](#)



### Mobile Access

Stay in control while on-the-go with your smartphone.  
[Read More »](#)



### Web Portal

Manage your home's alert and event schedules, plus monitor your home from anywhere with live streaming video.  
[Read More »](#)

**More features, more connected, more security, with access in more places — all at the touch of a finger.**

- **Greater Peace of Mind:** With the XFINITY™ Home system, you can stay connected to your home and family whether you're at home or away. Receive text and email alerts or access your system remotely to change settings or even view video clips of key events from any Internet-connected PC or smartphone. It's reassuring to know that your home and family are protected — whether you're there or not.
- **Money Saving Services:** You could save up to 20% on homeowner's insurance when you install XFINITY Home. Plus, with our climate control feature\*, you could save up to 10% on your energy bills! \*Thermostat for Climate Control feature requires customer installation.
- **Backup Protection:** With extended battery backup, your system stays on — even during power outages. Plus, get cellular backup for your system at no additional charge.

[Read More »](#)

**Get the Preferred package from XFINITY Home with the following state-of-the-art equipment included:**

- Window/Door Sensors (4)
- Motion Detector (1)
- Wireless Keypad (1)
- Keychain Remote (1)
- Touch Screen (1)

**Cellular and Battery Backup Included**

**\$300 savings**

with free activation and \$199 installation.

**START SHOPPING**

Call 1-800-XFINITY

- [Home](#)
- [Features](#)
- [Security](#)
- [Devices Specifications](#)
- [Licenses](#)

- [Agreement](#)
- [Visit Comcast.com](#)

[Privacy Policy](#) | [Subscriber Agreement](#)

Limited to residential customers. Not available in all areas. 3 year minimum term agreement required. Basic: \$29.95 per month for total monthly recurring charges of \$1,078.20; Preferred: \$39.95 per month for total monthly recurring charges of \$1,438.20; Premier: \$49.95 per month for total monthly recurring charges of \$1,798.20. Installation offer ends 6/30/12 and is limited to standard installation. Early termination fee applies. Requires subscription to XFINITY internet service. Pricing subject to change. Remote video and fire monitoring requires purchase of additional equipment. Remote access not available with all smartphones. Any other equipment not included in offer, non-standard installation charges and taxes extra. Equipment value based on retail price. Warranty Plan: equipment may be replaced with new or refurbished equipment. Insurance savings source: <http://publications.usa.gov/publications/12ways/12ways.htm>. Insurance discounts vary. Contact your insurance provider for details. CT: 1040196; DE: FAL-0299, FAC-293, SSPS LIC# 11-123; FL: EF20001002; GA: 10037332, LVU406303, LVU406264; MS: 10229553; NC: 29-443-SP-FA/LV; NJ: 34FA00142600, 34BA00183600, 34BX00011100; OR CCB License: 192945; SC: SCFA-13440, SCBA-13497; TN ACL: 1597, 1604; TX: B-02571, B-16922, ACR-1818, ACR-1672104; UT: 8226921-6501; WA: COMCABS892DS; OR and WA: All electrical work is performed by a licensed subcontractor. Call for restrictions and complete details, or visit [comcast.com](#). Comcast ©2012. All rights reserved. All trademarks are the property of their respective owners.

## **EXHIBIT E**

GLOBE

The Region A-11

xfinity

INTRODUCING  
**XFINITY HOME**  
SECURITY CONTROL ENERGY

**The future of home security starts now.**

Imagine staying connected to your home and family even when you're at work. Being able to set the alarm in your house without actually being there. Or seeing what the dogs are doing while you're away. Imagine greater peace of mind — whether you're home or not.

It's what makes XFINITY™ Home the total home security and home control solution.

**SECURITY**

- A staff of highly trained professionals
- 24/7 state-of-the-art monitoring center
- Cellular and battery backup to help you stay connected

**CONTROL**

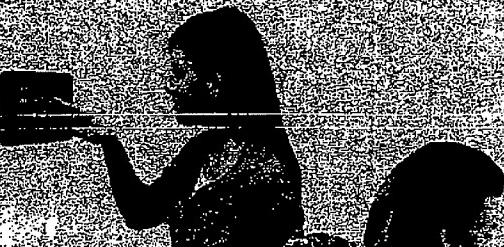
- Remote access from your smartphone or computer
- Remote control and video monitoring
- A sleek, easy-to-use touch screen interface
- Text and email alerts

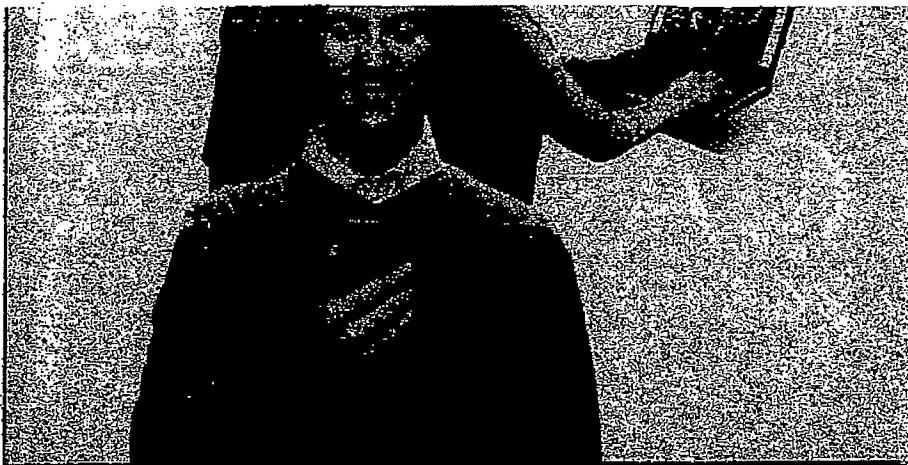
**ENERGY**

- Save up to 10% on your energy bill
- Control your lights and thermostat remotely

**VALUE**

- Save up to 20% on homeowner's insurance with XFINITY Home
- Fire monitoring at no additional charge
- Keychain remote included





Get the Preferred Package from XFINITY Home with over \$1,000 worth of state-of-the-art equipment included:

- Windows® media center (i)
- Touch screen (i)
- Motion detector (i)      ➤ Easy View™ camera (i)

Save over \$500!  
With FIBER activation  
**FREE Installation**  
**CALL NOW!**

**1-800-XFINITY** | See how XFINITY Home works.  
Visit [xfinity.com/home](http://xfinity.com/home)



Offer ends 7/2/12 and is limited to new residential customers. Not available in all areas. Limited to Premium Home Security service. 3-year minimum term agreement required; \$33.95 per month for monitoring services and monthly recurring charges of \$143.20 (tax/delivery fees apply). Requires basic XFINITY Internet service. Price is subject to change. Remote video and fire monitoring requires purchase of additional equipment. Remote access not available with all smartphones and other equipment not included. Home non-standard installation themes and fees extra. Equipment value based on retail price. Insurance savings source: <http://publications.usnews.com/2012/01/05/insurancediscounts.aspx>. Contact your insurance provider for details. Actual energy savings may vary based on usage and other factors. Visit <http://www.xfinitysavespayyourhomeworks.readingcomindex.com/> for details, full terms, restrictions and complete details. ©2012 Comcast. All rights reserved. All trademarks are the property of their respective owners.

## **EXHIBIT F**

P.O. Box 952  
Marlton, NJ 08053-0952



0287

[REDACTED]

**Verizon Home  
Monitoring and Control.  
Peace of mind for less  
than \$10 a month.**

Dear [REDACTED]

Whether we're away for the day or on a weeklong vacation, we all ask ourselves the same question: "How are things back home?" Now, thanks to Verizon Home Monitoring and Control, you can see for yourself from virtually anywhere.

New technology means new peace of mind.

It's so advanced, it's simple. Just place one or more of our small cameras in your home. Then all you need is a computer, compatible smartphone or tablet to see everything that's happening.

Check up on the dog or cat. See who's coming and going. Make sure the cleaning person is on the job or the delivery man showed up. It always feels better when you know for sure.

And with Home Monitoring and Control, you can start small or get it all. Here's a sample of the useful equipment we offer:

- Indoor and outdoor cameras. Get a complete picture of your home.
- Motion sensors. If a door or window is opened, get a notification sent to your smartphone.
- Light activation. Turn on the lights before you get home so you don't fumble in the dark.
- Remote door locks. Unlock doors remotely for family members without keys.

Less than \$10 a month? Yes, it's that affordable.

We've made Verizon Home Monitoring and Control so easy to afford. It's just \$9.99 a month (after a one-time equipment charge). You probably pay more for coffee each week.

As a Verizon customer, you already know how amazing Verizon technology can be. Now we're bringing you our latest advancement: peace of mind. Learn more about this important new service for your home. Visit [verizon.com/homemonitor3](http://verizon.com/homemonitor3) or call 1.888.425.3044 (Mon.-Fri., 8am-9pm; Sat., 9am-5pm).

Sincerely,

A handwritten signature in black ink.

Arturo Picicci  
Director, Customer Relationship Marketing

Home Monitoring and Control Service is provided by Verizon Online LLC and is available to both FiOS and Verizon High Speed Internet customers. Licensed in NY #12000302362 by NY State Department of State, VA DKS #11-0657. Requires home monitoring and control kit, starting at \$69.99 (sold separately). Additional monthly recurring service fee of \$9.99 billed separately. Shipping fee & other taxes and charges apply. Requires home monitoring and control equipment kit, Verizon broadband service and home network, sold separately. If you are not completely satisfied, you may cancel your service within 30 days of order, return all equipment provided and receive a refund for any monthly service or equipment charges paid. If you fail to return the equipment, an equipment fee will apply. Home Monitoring and Control Service is not available for small business users and is not intended for nonresidential consumer or commercial business use. Other terms and conditions apply. © 2012 Verizon.

## **EXHIBIT G**

NOTICE TO THE PUBLIC

## XFINITY HOME

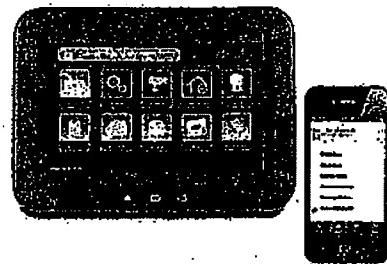
SECURITY CONTROL ENERGY

Stay connected to your home —  
no matter where you are.

AQIX

|||||

# xfinity.



When you think of home security, what comes to mind? A keypad? Or maybe a way to secure your doors and windows? But what if home security could do more? What if it gave you the power to see your kids get home while you're at work? Or let you turn on the lights on your way home?

We didn't just ask these questions. We answered them. The result is XFINITY™ Home, the total home security and home control solution. This state-of-the-art system delivers greater peace of mind and so much more:

#### MORE SECURITY

- 24/7 broadband connection and cellular backup means you're always connected — even if your Internet is down — all at no additional charge
- 24/7 state-of-the-art monitoring center
- A staff of highly trained professionals
- Battery backup included for additional protection

#### MORE CONNECTED

- Remote access from your smartphone or computer
- Text and email alerts
- Weather, news reports and more

#### MORE FEATURES

- Remote control and video monitoring
- A sleek, easy-to-use touch-screen interface
- Light and thermostat controls

#### MORE VALUE

- Save up to 20% on homeowner's insurance with XFINITY Home
- Fire monitoring at no additional charge
- Save up to 10% a month on your energy bill
- Keychain remote included

See how XFINITY Home can help protect your home and your family in a whole new way. Call 1-877-863-3193 and experience greater peace of mind anytime, anywhere.

Sincerely,

Comcast

P.S. Act by 4/15/12 to take advantage of this great offer.



Bring home  
greater peace of mind.  
**Call 1-877-863-3193 today.**

See reverse side for information, details and restrictions.

IP/4322 0108

comcast.



## **EXHIBIT H**

**From:**  
**Date:** April 28, 2012 10:20:43 AM EDT  
**To:**  
**Subject:** RE: Revised Contract

Ralph,

We're getting close to making a decision on installing security, and a little comparison shopping reveals that there are cheaper deals out there. I knew you're not surprised, and I'm not going to make a choice just based on a low price. We all know how that can end up. But I did check with Xfinity since they offer home security and are already a provider for us. They offer something comparable (at least in terms of hardware) including one smoke detector for about \$1600 less in install fees and for \$40/month. Are you familiar with their offering at all, and can you tell me where you guys are better?

Regards,

*Doug*

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO.

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.

Plaintiff

V.

VERIZON NEW ENGLAND, INC, and  
COMCAST PHONE OF MASSACHUSETTS,  
INC.,

Defendants

PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION

The plaintiff is the Massachusetts Systems Contractors Association, Inc. ("MSCA") which is an association of licensed electronic systems contractors. Systems contractors advertise, sell, contract for, install, test, maintain, repair and monitor conductors, cables, raceways, apparatus, devices, fixtures, or other appliances used for fire warning, security, or signaling, or comparable power limited functions (the "Security Systems Work"). G.L. c. 141, §1; 237 CMR 12.01. Security Systems Work is strictly regulated by state law. The plaintiff brings this action to enjoin illegal Security Systems Work by unlicensed corporations.

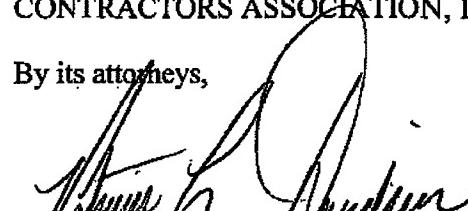
The defendants, Verizon New England, Inc. ("Verizon") and Comcast Phone of Massachusetts, Inc. ("Comcast") are telecommunications companies that provide cable, internet and telephone services to residential and commercial customers. Verizon and Comcast recently began to engage in Security Systems Work. The defendants are providing Security Systems Work by and through unlicensed persons or businesses. The defendants are harming MSCA members and the public by having unqualified persons or businesses perform Security Systems

Work. The unlicensed Security Systems Work is causing, and will continue to cause, irreparable harm to association members and to the public.

WHEREFORE, with reference to, and in reliance on, the attached memorandum of law, Verified Complaint, affidavit, and exhibits, MSCA seeks the issuance of a preliminary injunction enjoining Verizon and Comcast from advertising, selling, contracting for, installing, testing, maintaining, repairing, and monitoring the Security Systems Work.

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.

By its attorneys,

  
\_\_\_\_\_  
Patricia L. Davidson, Esq., BBO #556647  
David L. Fine, Esq., BBO #663407  
Mirick, O'Connell, DeMallie & Lougee, LLP  
100 Front Street  
Worcester, MA 01608-1477  
Phone: (508) 791-8500  
Fax: (508) 791-8502

Dated:

*June 12, 2012*

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO.

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.,  
Plaintiff

v.

VERIZON NEW ENGLAND, INC. and  
COMCAST PHONE OF MASSACHUSETTS,  
INC.,

Defendants

**MEMORANDUM IN SUPPORT  
OF PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION**

I. **INTRODUCTION**

The plaintiff is the Massachusetts Systems Contractors Association, Inc. ("MSCA") which is an association of licensed electronic systems contractors. Systems contractors advertise, sell, contract for, install, test, maintain, repair and monitor conductors, cables, raceways, apparatus, devices, fixtures, or other appliances used for fire warning, security, or signaling, or comparable power limited functions (the "Security Systems Work"). G.L. c. 141, §1; 237 CMR 12.01. Security Systems Work is strictly regulated by state law. The plaintiff brings this action to enjoin illegal Security Systems Work by unlicensed corporations.

The defendants, Verizon New England, Inc. ("Verizon") and Comcast Phone of Massachusetts, Inc. ("Comcast") are telecommunication companies that provide cable, internet and telephone services to residential and commercial customers. Verizon and Comcast recently began to engage in Security Systems Work. Comcast and Verizon are providing Security Systems Work by and through unlicensed persons or businesses. Comcast and Verizon are

harming MSCA members and the public by having unqualified persons or businesses perform Security Systems Work. The unlicensed Security Systems Work is causing, and will continue to cause, irreparable harm to association members and to the public.

In support of this motion the MSCA submits its Verified Complaint with exhibits, including the Affidavit of Robert Venuti. The MSCA seeks a preliminary injunction enjoining Comcast and Verizon from advertising, selling, contracting for, installing, testing, maintaining, repairing and monitoring the Security Systems Work.

## II. FACTS

MSCA is a trade association comprised of systems contractors that are engaged in the business of Security Systems Work. Security Systems Work is a professional occupation requiring a certain level of education, training and licensure to ensure competent and safe work. As such, the Security Systems Work is strictly regulated by state law. In summary, a contractor engaged in Security Systems Work must be licensed by the Board of State Examiners of Electricians, must pull permits from municipal wiring inspectors, and individuals must undergo a criminal background check by the Department of Public Safety before performing Security Systems Work.

In general, there are four types of electrical licenses under Massachusetts law: Class A – Master Electrician; Class B – Journeyman Electrician; Class C – Systems Contractor; and Class D – Systems Technician. To earn and maintain each license, an individual must complete mandated classroom hours; must participate in on-the-job training; must pass practical and written examinations; must pay license fees; and must participate in continuing education.

Contractors engaged in Security Systems Work must hold an active Massachusetts electrical license. An individual systems contractor engaged in Security Systems Work must hold

at least a Class D license. A business engaged in Security Systems Work must have a licensee with at least a Class C license serve as a qualifying officer. Obtaining a Class D license is a prerequisite to obtaining a Class C license. In all, a Class C license requires three years of on-the-job training; 300 hours of classroom education; 75 hours of advanced system technology and business coursework; and completion of practical and written examinations. 237 CMR 13.03, 13.04, 17.01.

The electrical licensure mandate for systems contractors is set forth in G.L. c. 141, §§1 and 1A, as well as in 237 CMR 12.01 and 17.01(c):

**'Security system'**, an inherently power limited system of wires, conduits, apparatus, devices, fixtures, or other appliances installed and interconnected electrically or electronically to permit access control, proprietary signaling, surveillance and the detection of burglary, intrusion, holdup, or other conditions requiring response or the transmission of signals or audible alarms. G.L. c. 141, §1; 237 CMR 12.01.

No person, firm or corporation shall enter into, engage in, or work at the business or occupation of installing wires, conduits, apparatus, devices, fixtures, or other appliances for carrying or using electricity for light, heat, power, **fire warning or security system purposes**, unless such person, firm or corporation shall be licensed by the State Examiners of Electricians in accordance with this Chapter, **and, with respect to security systems, unless such person, firm or corporation shall also be licensed by the Commissioner of Public Safety in accordance with the provisions of Sections 57 to 61, inclusive of Chapter 147**. G.L. c. 141, §1A.

It is also a requirement that any advertisement reflect the contractor's Massachusetts license number, as stated in 237 CMR 18.01(2):

A licensee shall only engage in the electrical trade or otherwise conduct business in the name printed on his or her license. Any sign, advertisement or other business communication of a Master electrician (Class A) or Journeyman electrician (Class B) or Systems Contractor (Class C) shall indicate the type of license and the license number.

The ramifications of performing Security Systems Work without the requisite licensure are set forth at G.L. c. 141, §5:

Any person, firm or corporation, or employee thereof, and any representative, member or officer of such firm or corporation individually, entering upon or engaging in the business and work hereinbefore defined, without having complied with this chapter, shall for the first offence be punished by a fine of not less than ten nor more than one hundred dollars, and for a subsequent offence by a fine of not less than fifty nor more than five hundred dollars or by imprisonment in the house of correction for six months, or both.

Because Security Systems Work has a direct impact on public safety, in addition to an electrical license, any business engaged in Security Systems Work must obtain an S-license from the Department of Public Safety. An S-license requires a criminal background check of all employees (not just those engaged in the installation of security systems). In other words, all employees who work for companies that engage in Security Systems Work must undergo a CORI check and receive a Certificate of Clearance. A criminal background check is necessary since individuals engaging in Security Systems Work enter homes and businesses; assess security vulnerabilities; install, maintain and monitor security systems; and have access to security codes.

The S-license mandate is set for in G.L. c. 147, §57:

The words "security system," as used in Sections 57 to 61, inclusive, shall mean wires, conduits, apparatus, devices, fixtures, or other appliances installed and interconnected electrically or electronically to permit access control, proprietary signaling, surveillance and the detection of burglary, intrusion, hold up, or other conditions requiring response or the transmission of signals or audible alarms.

No person, firm or corporation shall engage in, advertise, or hold themselves or itself out as being engaged in the business of installing, repairing, or offering maintenance for security systems, notwithstanding the name or title used in describing such business, unless licensed for such purpose as provided in Sections 58 and 59 of this Chapter, and Section 3 of Chapter 141.

In order to perform Security Systems Work, systems contractors must also pull permits from and notify municipal wire inspectors of the work. The permit mandate is set forth in G.L. c. 143, §3L:

The board of fire prevention regulations shall make and promulgate, and from time to time may alter, amend and repeal, rules and regulations relative to the installation, repair and maintenance of electrical wiring and electrical fixtures used for light, heat and power purposes in buildings and structures subject to the provisions of sections three to sixty, inclusive, and the state building code. Such regulations shall be in accordance with generally accepted standards of engineering practice, and shall be designed to provide reasonable uniform requirements of safety in relation to life, fire and explosion.

Upon the making of such rules and regulations and prior to their promulgation, the board shall hold a public hearing thereon, notice of which shall be given by advertising in at least one newspaper in each of the cities of Boston, Worcester, Springfield, Fall River, Lowell and Lynn, at least ten days before said hearing. If, subsequent to their being deposited with the state secretary, as provided herein, the board on its own initiative contemplates changes in said rules and regulations, or if a petition is filed by any other person for changes therein, like notice and a hearing shall be given and held before the adoption thereof.

Such rules and regulations, and any alterations, amendments or repeals thereof shall be deposited with the state secretary, and the same shall become effective when so deposited.

No person shall install for hire any electrical wiring or fixtures subject to this section without first or within five days after commencing the work giving notice to the inspector of wires appointed pursuant to the provisions of section thirty-two of chapter one hundred and sixty-six. Said notice shall be given by mailing or delivering a permit application form prepared by the board, to said inspector. Any person failing to give such notice shall be punished by a fine not exceeding five hundred dollars. This section shall be enforced by the inspector of wires within his jurisdiction and the state examiners of electricians.

Any person installing for hire electrical wiring or fixtures subject to this section shall notify the inspector of wires in writing upon the completion of the work. The inspector of wires shall, within five days of such notification, give written notice of his approval or disapproval of said work. A notice of disapproval shall contain specifications of the part of the work disapproved, together with a reference to the rule or regulation of the board of fire prevention regulations which has been violated.

The purpose of these licensure and permitting requirements is to ensure that the persons providing the Security Systems Work are competent to perform the work – and do perform the work -- in a manner that will protect customers as well as real and personal property. All MSCA members performing Security System Work maintain an active Massachusetts Class A, B, C or

D electrical license, have a Certificate of Clearance and work for companies that have an S-license.

MSCA members that hold these licenses enjoy a property right in the license such that the practice of Security Systems Work by unlicensed persons constitutes an infringement of their rights.

On information and belief, Comcast and Verizon, through employees, agents, servants and/or subcontractors, are engaging in Security Systems Work without having earned at least a Class C electrical license. On information and belief, Comcast and Verizon do not hold an S-license, and their employees, agents, servants and/or subcontractors who are performing the Security Systems Work do not hold a Certificate of Clearance. On information and belief, those performing the Security Systems Work on behalf of the defendants do not have any educational or training requirements or oversight from any regulatory or governmental body to ensure the work is performed in a safe and competent manner. A letter dated April 5, 2009 from the Massachusetts Department of Telecommunications and Cable confirming the lack of training and education is attached to the Verified Complaint as **Exhibit A**.

On information and belief, Comcast and Verizon are also not pulling permits from inspectors of wires prior to engaging in the Security Systems Work. Municipal wiring inspectors are aware that Comcast and Verizon are performing the Security Systems Work without pulling permits. On information and belief, wiring inspectors from a number of cities and towns have already cited Comcast and Verizon for violating the permitting requirements. An Affidavit from Robert Venuti, an officer of the Municipal Electrical Inspectors Association of Massachusetts, is attached to the Verified Complaint as **Exhibit B**.

On information and belief, Comcast and Verizon have engaged in, and continue to engage in, the following activities which constitute violations of the regulatory schemes in place and which have caused and will continue to cause harm to MSCA members, MSCA businesses and to the public:

- a. Verizon is advertising the Security Systems Work on its website.

According to its website, Verizon's "Home Monitoring and Control" system is offered for purchase and installation through a variety of options, including a "Home Monitoring and Control Kit," "Home Monitoring Kit," or "Energy Control Kit." The advertisement does not include reference to Massachusetts license numbers. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Verizon is advertising Security Systems Work without being licensed for such purpose. A printout of the Verizon website is attached to the Verified Complaint as **Exhibit C.**

- b. Comcast is also advertising the Security Systems Work on its website. The website offers customers "Xfinity Home" through monthly service plans categorized as "basic," "preferred," or "premier." The advertisement makes it clear that the service is currently available for purchase and installation. The advertisement does not include reference to Massachusetts license numbers. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising Security Systems Work without being licensed for such purpose. A printout of the Comcast website is attached to the Verified Complaint as **Exhibit D.**

- c. Comcast has placed one or more advertisements with the Boston Globe for its home security and fire alarm system. The advertisements state that the company will install the system, including smoke detectors, for an installation fee, and that it will monitor the system for a monthly fee. The advertisement does not include reference to Massachusetts license numbers. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising Security Systems Work without being licensed for such purpose. A copy of the advertisement from the Boston Globe is attached to the Verified Complaint as **Exhibit E**.
- d. An MSCA member received an solicitation from Verizon in the mail describing the “Verizon Home Monitoring and Control” service. The advertisement makes it clear that the service is currently available for purchase and installation. The advertisement does not include reference to Massachusetts license numbers. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Verizon is advertising Security Systems Work without being licensed for such purpose. A copy of the advertisement is attached to the Verified Complaint as **Exhibit F**.
- e. A number of MSCA members have found door hangers from Comcast at their residences. The hangers advertise Xfinity Home service and make it clear that the service is currently available for purchase and installation. The advertisement does not include reference to Massachusetts license numbers. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising Security Systems Work without being

licensed for such purpose. An example of the door hanger is attached to the Verified Complaint as **Exhibit G**.

- f. In April 2012, an MSCA member received an email from an existing customer stating that he had spoken with Comcast regarding its home security service. Comcast had offered to install and monitor its security and alarm system, including smoke detectors and related hardware. A printout of the email is attached to the Verified Complaint as **Exhibit H**.
- g. Both Verizon and Comcast have purchased advertisements on local radio stations promoting Security Systems Work. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising Security Systems Work without being licensed for such purpose.
- h. Comcast has solicited the sale of Security Systems Work at private residences. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising for entering into contracts for Security Systems Work without being licensed to engage in the business of said work.
- i. Beginning in or around March 2012, MSCA members contacted Comcast, asked for, and received information regarding its home security systems. Comcast offered installation of systems and monitoring through monthly service plans, including touch screen keypad, multiple sensors, motion detectors, remote key chains, and smoke detectors. Packages also included options for service plans. This conduct violates G.L. c. 141, §

1A and G.L. c. 147, § 57 because Comcast is advertising and installing Security Systems Work without being licensed for such purpose.

- j. A number of MSCA members have also received phone calls from Comcast asking whether they would be interested in contracting with Comcast to install the home monitoring system. Through these solicitations, MSCA has learned that Comcast was performing the Security Systems Work in Massachusetts as early as February 2012. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is installing Security Systems Work without being licensed for such purpose.

### III. ARGUMENT

#### A. Preliminary Injunction Standard.

The issuance of a preliminary injunction generally rests with the sound discretion of the judge. T&D Video, Inc. v. City of Revere, 423 Mass. 577, 580 (1996) (quoting Foreign Auto Import, Inc. v Renault Northeast, Inc., 367 Mass. 464, 472-73 (1975)). The criteria to be considered include a combined evaluation of the moving party's likelihood of success on the merits, its claim of injury, and a balancing of the competing harms to each party. Id. (citing Packaging Indus. Group, Inc. v. Cheney, 380 Mass. 609, 615 (1980)). It is also appropriate for to consider the significance of the public interest in granting injunctive relief. Bank of New England, N.A. v. Mortgage Corp. of New England, 30 Mass. App. Ct. 238, 246 (1991) (citing Krebiozen Research Foundation v. Beacon Press, Inc., 334 Mass. 86, 99 (1956)).

Although MSCA can satisfy these elements, meeting the typical injunction standard is not essential in this case because Massachusetts has adopted a modified version of the standard

for injunctive relief where a party is seeking through litigation to achieve the objectives of legislation, such as G.L. c. 141, §1 *et seq.* covering “Supervision of Electricians,” enacted for the public health, safety, or welfare. Davis v. Cape Cod Hosps., 2008 WL 1820642, \*2 (Mass. App. Ct. 2008). Under this standard, “[i]f the plaintiff demonstrates the likelihood of a statutory violation harmful to the public interest, it need not show specific irreparable harm in order to achieve preliminary injunctive relief. The probable violation of the legislatively defined public interest will be sufficient.” Id. (*citing LeClair v. Norwell*, 430 Mass. 328, 331-32 (1999); Edwards v. Boston, 408 Mass. 643, 646-47 (1990); Commonwealth v. Mass. CRINC, 392 Mass. 79, 89-90 (1984)). Moreover, “the demonstration of a likely statutory violation corresponds to a showing of the likelihood of ultimate success upon the merits. It relieves the party of the showing of irreparability impliedly because the expected injury to the legislatively prescribed public interest amounts to irreparable harm.” Id.

B. MSCA Is Seeking To Enforce Legislation Enacted For The Protection Of Public Health, Safety, And Welfare

The laws addressing licensure of systems contractors were enacted for the purpose of protecting public health, safety, and welfare. See G.L. c. 141, §1 *et seq.*; G.L. c. 147, §§57-61; see also Mercado v. Manny's T.V. and Appliance, Inc., 77 Mass. App. Ct. 135, 139-40 (2010) (quoting Levy v. Bd. of Registration & Discipline in Med., 378 Mass. 519, 527-28 (1979)) (“[t]he historical aim of licensure generally is preservation of public health, safety, and welfare by extending the public trust only to those with proven qualifications”). By using unlicensed people to install alarm systems, Verizon and Comcast are performing work that is directly harmful to the public health, safety, and welfare. Not only is the work itself dangerous, but an alarm system installed incorrectly can and does cause significant property damage and personal

injury, including loss of life. Venuti Aff., ¶¶ 9, attached to the Verified Complaint as **Exhibit B**. Additionally, defective alarm systems leads to increased incidents of false alarms which add unnecessary costs to municipalities and cause public safety issues because of increased emergency response teams on the roads.

The Legislature recognized the need to regulate the alarm industry by creating a multi-faceted regulatory scheme. The scheme requires businesses and individuals engaged in Security Systems Work to hold electrical licenses. It requires that individuals performing the installation receive criminal background checks and obtain Certificates of Clearance before they are permitted to do the work. It requires municipal wiring inspectors to issue permits and to inspect the work upon completion. Venuti Aff., ¶¶ 7-9, attached to the Verified Complaint as **Exhibit B**.

Verizon and Comcast are in the cable, telephone, and internet business. Now the same people who were installing cable lines are being told to install, repair, maintain, and monitor security, fire, and alarm systems. These systems are comprised of complicated networks, necessarily involve electrical or electronic applications and components, and concern life safety in a manner and to an extent that telecommunication operations do not. These actions put the public health and safety directly at risk.

Verizon and Comcast are actively performing this type of work in Massachusetts with no regulation or oversight from any governmental or regulatory body. See **Exhibit A** to the Verified Complaint, Letter from the Massachusetts Department of Telecommunications and Cable. This conduct flies in the face of the mandates laid down by the Legislature, and it is certainly in the public interest to enjoin them from continuing as such. To prohibit Verizon and Comcast from installing alarm systems without licenses or permits is to further the “important

public policy" of protecting "public health, safety, and welfare." Mercado, 77 Mass. App. Ct. at 139 (*citing Falcon v. Leger*, 62 Mass. App. Ct. 352, 360 (2004)).

C. MSCA Is Likely To Succeed On The Merits Of Its Claims.

MSCA is likely to succeed on the merits because Comcast and Verizon are (1) advertising and installing alarm systems without an electrical license in violation of G.L. c. 141, §1A; (2) advertising and installing alarm systems without an "S" license in violation of G.L. c. 147, §§57-61; and (3) installing alarm systems without permits from municipal wiring inspectors in violation of G.L. c. 143, §3L. Under Davis, *supra*, "the demonstration of a likely statutory violation corresponds to a showing of the likelihood of ultimate success upon the merits." Davis, 2008 WL 181820642 at \*2.

1. Comcast And Verizon Are Violating G.L. c. 141, §1A

Chapter 141 of the General Laws is called "Supervision of Electricians." Chapter 141 contains a specific roadmap for what activities are regulated under its purview and what a person or entity must do in order to legally perform those activities. Specifically, the statute provides that "[n]o person, firm or corporation shall enter into, engage in, or work at the business or occupation of installing wires, conduits, apparatus, devices, fixtures, or other appliances for carrying or using electricity for ... fire warning or security system purposes, unless such person, firm or corporation shall be licensed by the State Examiners of Electricians in accordance with this Chapter." G.L. c. 141, §1A.

Verizon and Comcast have launched massive advertising campaigns concerning the "Home Monitoring Service" and "Xfinity Home," respectively. Verizon and Comcast are clearly advertising and installing these services within Massachusetts. Verified Compl., ¶ 21. The work required to install these services is commensurate with the work described in G.L. c. 141, §1A.

Accordingly, providing these services without a license is unsafe and is tantamount to a violation of the statute.

2. Comcast and Verizon are Violating G.L. c. 147, §§57-61

Chapter 147 of the General Laws is entitled “State and Other Police, and Certain Powers and Duties of the Department of Public Safety.” Because security systems deal with things that harm people and their property, such as fire and theft, the Legislature deemed it necessary to require that employers ensure their employees not only have an electrical license, but also have a certificate indicating that they have cleared a criminal background check. Specifically, the statute addresses public safety surrounding the “installation, repair or maintenance of security system” and provides that “[n]o person, firm or corporation shall engage in, advertise, or hold themselves or itself out as being engaged in the business of installing, repairing, or offering maintenance for security systems” unless that person, firm, or corporation holds an electrical license (G.L. c. 147, §§57-58) and passes a Criminal Record Offender Information (CORI) check (G.L. c. 147, §59).

The Verizon “Home Monitoring Service” and the Comcast “Xfinity Home” clearly constitute “security systems” pursuant to G.L. c. 147, §§57-61. Verified Compl., ¶ 21. As such, the advertising and installation of those services without a license from the department of public safety is a violation of the statute.

3. Comcast and Verizon Are Violating G.L. c. 143, §3L

Chapter 143 of the General Laws concerns inspection, regulation, and licensing for buildings, among other things. Section 3L specifically addresses “Regulations relative to electrical wiring and fixtures; notice of electrical installation.” The statute requires that “[n]o person shall install for hire any electrical wiring or fixtures subject to this section without first or

within five days after commencing the work giving notice to the inspector of wires." Likewise, "[a]ny person installing for hire electrical wiring or fixtures subject to this section shall notify the inspector of wires in writing upon the completion of the work. The inspector of wires shall, within five days of such notification, give written notice of his approval or disapproval of said work."

It is overwhelmingly evident that Verizon and Comcast are conducting the type of work that is regulated by G.L. c. 143, §3L. In fact, on information and belief, as of the date of this filing, inspectors of wires in at least two cities or towns have notified Verizon and/or Comcast that the work they are performing violates G.L. c. 143, §3L. Venuti Aff., ¶ 8, attached to the Verified Complaint as **Exhibit B**. Verizon and Comcast are installing alarm and security systems without a municipal permit, which is a violation of G.L. c. 143, §3L.

4. Verizon and Comcast Are Not Exempt Because They Are Subject To Regulation By The Department Of Public Utilities Or The Department Of Telecommunications And Cable.

To the extent Verizon and Comcast argue that they are exempt from the licensure requirement because they are subject to regulation by the Department of Public Utilities or the Department of Telecommunications and Cable, that argument lacks merit because, according to the Department of Telecommunications and Cable ("DTC"), DTC does not manage, supervise, or have any authority over the training and education of telecommunication employees, and it "does not manage or supervise that segment of the telecommunications industry." See Exhibit A to the Verified Complaint. At the time this statute was passed, "systems work" was not being performed by companies subject to regulation by DTC, but now these companies have expanded their scope of work to include "systems work" which is subject to regulation by law.

G.L. c. 141, §7 contains a list of the type of work that does not require an electrical license:

This chapter shall not apply to: ... the work of companies subject to regulation by the department of public utilities or the department of telecommunications and cable, and incorporated for the **transmission of intelligence** by electricity in installing, maintaining or repairing wires, apparatus, fixtures, or other appliances used by such companies and necessary for, or incident to, their business.

By its clear terms, this exemption is limited to work that is related to the “transmission of intelligence” which consists of cabling and transmission infrastructure for delivery of phone, internet, and entertainment media. Systems work is a more specific body of activity which involves a more complicated system of interconnected components within a building structure, the application of which is regulated by the building code, electrical code, and license laws and regulations including permitting, and has serious impact on life safety and protection of property, and further has ramifications on first responders rushing to help including law enforcement, firefighters, ambulance, and others.

##### 5. Verizon and Comcast Are Not Exempt Because The Work Is “Wireless”

To the extent Verizon and Comcast claim that the work they are doing is not subject to the licensure requirements because it is “wireless,” that argument is erroneous because the statutory definition of “security system,” found at G.L. c. 141, §1, includes power systems that are connected both “electrically” and “electronically”:

‘Security system’, an inherently power limited system of wires, conduits, apparatus, devices, fixtures, or other appliances installed and interconnected electrically **or electronically** to permit access, control, proprietary signaling, surveillance and the detection of burglary, intrusion, holdup, or other conditions requiring response or the transmission of signals or audible alarms.

As such, even if the systems are being transmitted without the use of wires, they are still being transmitted “electronically” and are therefore subject to the licensure requirements. Further, most wireless systems are not 100% wireless, and require wiring for components such as sirens,

annunciators, and zone expanders for larger systems. For “taking over” existing installed wired systems, wiring is also required. It is grossly misleading to say that a company doing “wireless” systems does not do wiring.

Moreover, the fact that the systems may be wireless do not account for the public health and safety issues and related policy concerns. A security system deals with things like fire and theft that can cause great harm to people and property regardless of whether the system is installed in a manner that can be categorized as “wireless.” False alarms have direct negative consequences including added costs to municipalities and more emergency response teams rushing to the scene subjecting themselves and the public to traffic danger. The policy objectives of G.L. c. 147, §§57-61 will be undermined if Verizon and Comcast are permitted to bypass its requirements and install security systems with persons who have not undergone a background check. If an injunction is not granted, the practical result is that the people who install and monitor security systems in Massachusetts will be entirely unregulated.

D. MSCA Will Suffer Irreparable Harm If An Injunction Is Not Granted

Under Davis, supra, MSCA does not have to show irreparable harm specific to itself or its members “because the expected injury to the legislatively prescribed public interest amounts to irreparable harm.” Davis, 2008 WL 1820642 at \*2. Notwithstanding, MSCA does indeed stand to suffer irreparable harm if an injunction is not granted because (1) its members have a property interest in their license which interest will be forever damaged, and (2) equitable relief is the remedy that will afford MSCA members protection against injury to their property.

1. MSCA Members Have Property Right In Their Electrical Licenses

One who holds a license to engage in a professional occupation enjoys a property interest in that license. Richard F. Mallen & Associates, Ltd. v. Myinjuryclaim.com Corp., 769 N.E.2d

74, 76 (Ill. App. 3d. 2002). The security systems industry is heavily regulated. The statutory and regulatory scheme governing the industry contains strict requirements for an individual to receive and maintain a certificate "C" systems contractors' license. To obtain the license, an individual must complete three years of on the job training; 300 hours of classroom education; 75 hours of advanced system technology and business coursework; and practical and written examinations. There are similar requirements for renewal, including continuing education and fees. As in other professional fields such as law, the unlicensed practice of the profession is an infringement upon the rights of those that are licensed. *Id.* ("the practice of law by an entity not licensed constitutes an infringement upon the rights of those who are properly licensed"). Consequently, MSCA members are being directly and irreparably harmed by the defendants' willful neglect of the regulatory scheme.

Likewise, allowing unlicensed corporations and individuals to install and maintain security and alarm systems without possessing the requisite expertise or competence causes irreparable harm to the public (of which MSCA members belong) by increasing the chance for negative results such as defective installation, damage to property and personal injury or death. Venuti Aff., ¶ 9, attached to the Verified Complaint as **Exhibit B**. In addition, the number of false alarms will increase which will cause municipalities to incur substantial additional costs and which will place the public at increased risk of harm because of additional emergency response teams on the roads. This conduct also irreparably degrades the Massachusetts electrical industry itself by mocking a regulatory scheme operating specifically upon the premise that hiring licensed systems contractors is the best way to promote the public interest.

2. Equitable Relief Is The Best And Only Remedy Available

Comcast and Verizon are advertising and installing security and alarm systems with individuals that do not have the requisite training and education, and who have not paid the mandated fees. The activity of Comcast and Verizon is inherently unfair and violative of a statutory and regulatory scheme that was enacted precisely to prescribe this type of conduct and to protect against its negative consequences. In short, this is the type and kind of irreparable harm that can only be remedied by and through injunctive relief.

E. The Public Interest Favors Granting An Injunction

Because this case is between private parties and the applicable substantive law involves issues that concern the public interest, this Court is warranted in considering the public interest as a factor in determining whether to issue injunctive relief. Bank of New England, N.A. v. Mortgage Corp. of New England, 30 Mass. App. Ct. at 246 (citations omitted). As noted above, the laws governing supervision and licensure of systems contractors squarely concern the public health, safety, and welfare. See G.L. c. 141, §1 et seq.; G.L. c. 147, §§57-61. The Legislature has set forth clear rules restricting the practice of installing security systems in Massachusetts. The Legislature deems the restriction necessary to further the public health and safety. In bypassing these restrictions, Verizon and Comcast are performing work that is likely to cause substantial harm to property and persons within the Commonwealth. Venuti Aff., ¶¶ 9, attached to the Verified Complaint as **Exhibit B**.

F. The Risk of Irreparable Harm To MSCA And To The Public Interest Outweighs The Potential Harm To Verizon And Comcast

The plaintiff's likelihood of success on the merits of their claims, together with the risk of irreparable harm to both the plaintiff and the public if unlicensed persons continue to install security and alarm systems, clearly outweighs any potential harm to the defendants. The

plaintiff's interest in seeing the injunction granted is not only protection of its members' proprietary interests in their licenses, but also the overall health and safety of the public. The only harm that the defendants stand to incur is monetary, which is outweighed by the interest in public safety. An injunction will return the industry to the status quo in that it will ensure that all businesses and individuals engaged in such work are playing by the same rules.

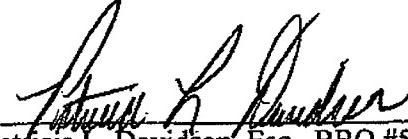
**IV. CONCLUSION**

Verizon and Comcast are advertising and, on information and belief, installing security and alarm systems. They are doing this work without licenses and without pulling permits. They are having employees, agents, servants, and/or subcontractors perform this work without holding a Massachusetts electrical license, a Massachusetts "S" license from the department of public safety, and without obtaining wiring permits from municipal inspectors. MSCA has met the standard for issuance of a preliminary injunction, including irreparable harm and likelihood of success on the merits. Additionally, because of the inherently dangerous and sensitive nature of the work being offered to and performed for the general public in the Commonwealth, the public interest will be substantially negatively affected if this work is not immediately enjoined.

WHEREFORE, the Massachusetts Systems Contractors Association, Inc. seeks a preliminary injunction enjoining Comcast and Verizon from advertising, selling, contracting for, installing, testing, maintaining, repairing, and monitoring the Security Systems Work.

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.

By its attorneys,



Patricia L. Davidson, Esq., BBO #556647

David L. Fine, Esq., BBO #663407

Mirick, O'Connell, DeMallie & Lougee, LLP

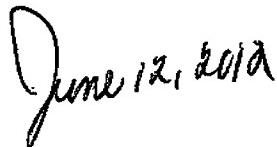
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Dated:



COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO.

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.

Plaintiff

v.

VERIZON NEW ENGLAND, INC. and  
COMCAST PHONE OF MASSACHUSETTS,  
INC.,

Defendants

12-1165 D

**MOTION FOR SHORT  
ORDER OF NOTICE**

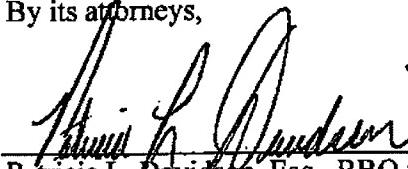
The plaintiff, Massachusetts Systems Contractors Association, Inc. ("MSCA"), moves for a short order of notice regarding a hearing on its Motion for Preliminary Injunction.

In support of its request, MSCA refers the Court to its Verified Complaint, Motion for Preliminary Injunction, supporting memorandum of law, affidavit, and exhibits, which are being filed herewith and which are incorporated herein, and states that there is a need for these matters to be heard as quickly as possible.

WHEREFORE, MSCA moves for a short order of notice.

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.

By its attorneys,

  
Patricia L. Davidson, Esq., BBO #556647

David L. Fine, Esq., BBO #663407

Mirick, O'Connell, DeMaille & Lougee, LLP

100 Front Street

Worcester, MA 01608-1477

Phone: (508) 791-8500

Fax: (508) 791-8502

Dated:

*June 12, 2012*

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO.

12-11650

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.  
Plaintiff

v.

VERIZON NEW ENGLAND, INC. and  
COMCAST PHONE OF MASSACHUSETTS,  
INC.,

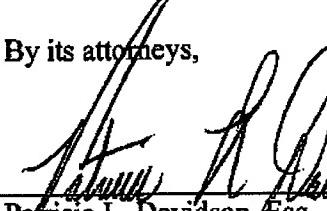
Defendants

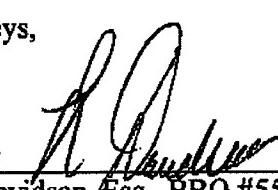
**MOTION FOR SPECIAL  
PROCESS SERVER**

The plaintiff, Massachusetts Systems Contractors Association, Inc. ("MSCA"), moves that the Court, pursuant to Mass. R. Civ. P. 4C, appoint a special process server, Francis J. Trapasso & Associates, by its constables, agents or disinterested persons who are qualified, over the age of eighteen, knowledgeable in the service of process and who are not parties in this action, because of special knowledge, long experience and the need for immediate service upon the defendants.

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.

By its attorneys,

  
Patricia L. Davidson, Esq., BBO #556647

  
David L. Fine, Esq., BBO #663407

Mirick, O'Connell, DeMallie & Lougee, LLP

100 Front Street

Worcester, MA 01608-1477

Phone: (508) 791-8500

Fax: (508) 791-8502

Dated: *June 12, 2012*

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court  
Department of the Trial Court  
of the Commonwealth  
Civil Action

No. 12-1165-D

Massachusetts Systems Contractors  
Association, Inc.

v.

Plaintiff (s)

)  
SUMMONS

Verizon Online, LLC and  
Comcast Broadband Security, LLC

Defendant (s)

\* To the above-named Defendant: Comcast Broadband Security, LLC

You are hereby summoned and required to serve upon Patricia L. Davidson and David L. Fine, Mirick, O'Connell, DeMallie & Lougee, plaintiff's attorney, whose address is ..... 100 Front Street, Worcester, MA 01608..... an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the SUPERIOR COURT Department of the Trial Court at WORCESTER either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counter-claim any claim which you may have against the plaintiff which arises out of the transaction of occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse, Esquire, at Worcester, the..... 29th.....  
day of ..... June ..... in the year of our Lord two thousand and  
twelve.....

  
Clerk

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption.  
If a separate summons is used for each defendant, each should be addressed to that particular defendant.

PLEASE CIRCLE TYPE OF ACTION INVOLVED: TORT — MOTOR VEHICLE TORT —  
CONTRACT/EQUITABLE RELIEF — CH. 93A — MEDICAL MALPRACTICE — OTHER.

\*

NOTICE TO DEFENDANT: You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein AND also file the original in the Clerk's Office, Superior Court, Room 1008.

**PROOF OF SERVICE OF PROCESS**

I hereby certify and return that on .....  
20..... I served a copy of the within summons, together with a copy of the complaint in this action,  
upon the within-named defendant, in the following manner (See Mass. R. Civ. P 4(d) (1-5):

I, Michael Gardener, do hereby state that I am counsel for Comcast Broadband  
Security, LLC, and authorized to accept service on its behalf. I hereby  
acknowledge and accept service of the Summons and Complaint on this  
day of ..... 2012.

Mintz, Levin, Cohn, Ferris, Glovsky  
and Popeo, P.C.  
Michael Gardener, Esq.  
One Financial Center  
Boston, MA 02111  
617-348-1642

Dated: Jun 29, 2012

**N.B. TO PROCESS SERVER:**

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX  
ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

, 20

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court  
Civil Action

No. 12-1165-D

Massachusetts Systems Contractors  
Association, Inc., Plaintiff

v.

Verizon Online, LLC and  
Comcast Broadband Security, LLC, Defendant

**SUMMONS**

(Mass. R. Civ. P. 4)

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court  
Department of the Trial Court  
of the Commonwealth  
Civil Action

No. 12-1165-D

Massachusetts Systems Contractors Association, Inc.  
Plaintiff (s)

SUMMONS

v.

Verizon Online, LLC and  
Comcast Broadband Security, LLC  
Defendant (s)

\* To the above-named Defendant: Verizon Online, LLC

You are hereby summoned and required to serve upon Patricia L. Davidson & David L. Fine, Mirick, O'Connell, DeMallie & Lougee, plaintiff's attorney, whose address is 100 Front Street, Worcester, MA 01608, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the SUPERIOR COURT Department of the Trial Court at WORCESTER either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counter-claim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse, Esquire, at Worcester, the 29th.....  
day of June.....in the year of our Lord two thousand and  
twelve.....

  
Clerk

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption.  
If a separate summons is used for each defendant, each should be addressed to that particular defendant.

PLEASE CIRCLE TYPE OF ACTION INVOLVED: TORT — MOTOR VEHICLE TORT —  
CONTRACT EQUITABLE RELIEF — CH. 93A — MEDICAL MALPRACTICE — OTHER.

\*

NOTICE TO DEFENDANT: You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein AND also file the original in the Clerk's Office, Superior Court, Room 1008.

**PROOF OF SERVICE OF PROCESS**

I hereby certify and return that on .....

20....., I served a copy of the within summons, together with a copy of the complaint in this action, upon the within-named defendant, in the following manner (See Mass. R. Civ. P 4(d) (1-5):

I, Aaron M. Panner, do hereby state that I am counsel for Verizon Online, LLC and authorized to accept service on its behalf. I hereby acknowledge and accept service of the Summons and Complaint on this 3rd day of July, 2012.

*Aaron M. Panner*  
Dated: ..... 20.....  
Aaron M. Panner, Esq.  
1615 M. Street, N.W., Suite 400  
Washington, DC 20036  
(202) 326-7921

**N.B. TO PROCESS SERVER:**

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX  
ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

, 20

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court  
Civil Action

No. 12-1165-D

Massachusetts Systems Contractors Plaintiff  
Association, Inc. v. Defendant

v.

Verizon Online, LLC and  
Comcast Broadband Security, LLC

**SUMMONS**

(Mass. R. Civ. P. 4)

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO. 12-1165-D

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.,  
Plaintiff

v.

VERIZON ONLINE, LLC and COMCAST  
BROADBAND SECURITY, LLC,  
Defendants

AMENDED VERIFIED  
COMPLAINT

RECEIVED

JUN 29 2012

INTRODUCTION

CLERK OF COURTS  
WORCESTER COUNTY

The plaintiff is an association of licensed electronic systems contractors. Systems contractors advertise, sell, contract for, install, test, maintain, repair and monitor conductors, cables, raceways, apparatus, devices, fixtures, or other appliances used for fire warning, security, or signaling, or comparable power limited functions (the "Security Systems Work"). G.L. c. 141, §1; 237 CMR 12.01. Security Systems Work is strictly regulated by state law. The plaintiff brings this action to enjoin illegal Security Systems Work by unlicensed corporations.

The defendants are companies that primarily provide cable, internet and telephone services to residential and commercial customers. On information and belief, the defendants recently began to engage in Security Systems Work. The defendants are providing Security Systems Work by and through unlicensed persons or businesses. The defendants are harming MSCA members and the public by having unqualified persons or businesses perform Security Systems Work. The unlicensed Security Systems Work is causing, and will continue to cause, irreparable harm to association members and to the public.

The plaintiff seeks (1) a declaration that the Security Systems Work performed by the defendants consists of work that requires licensure pursuant to G.L. c. 141 and G.L. c. 147, §§57-61; (2) a declaration that the defendants are violating the statutes by performing the Security Systems Work without the requisite licensure; and (3) a preliminary injunction enjoining the defendants from advertising, selling, contracting for, installing, testing, maintaining, repairing, and monitoring the Security Systems Work.

### **THE PARTIES**

1. The plaintiff, the Massachusetts Systems Contractors Association, Inc. (“MSCA”), is a corporation organized under the laws of Massachusetts with a principal office in Sharon, Massachusetts.
2. The defendant, Verizon Online, LLC (“Verizon”), is a corporation organized under the laws of Delaware, with a principal office in Basking Ridge, New Jersey. Verizon is actively doing business within the Commonwealth of Massachusetts.
3. The defendant, Comcast Broadband Security, LLC (“Comcast”), is a corporation organized under the laws of Delaware, with a principal office in Philadelphia, Pennsylvania. Comcast is actively doing business within the Commonwealth of Massachusetts.

### **FACTS**

4. MSCA is a trade association comprised of systems contractors that are engaged in the business Security Systems Work.
5. The Security Systems Work is a professional occupation requiring a certain level of education, training and licensure to ensure competent and safe work. As such, the Security Systems Work is strictly regulated by state law. In summary, a contractor engaged in Security Systems Work must be licensed by the State Examiners of Electricians, must pull permits from

municipal wiring inspectors, and must undergo a criminal background check by the Department of Public Safety.

6. In general, there are four types of electrical licenses under Massachusetts law: Class A – Master Electrician; Class B – Journeyman Electrician; Class C – Systems Contractor; and Class D – Systems Technician. To earn and maintain each license, an individual must complete mandated classroom hours; must participate in on-the-job training; must pass practical and written examinations; must pay license fees; and must participate in continuing education.

7. Contractors engaged in Security Systems Work must hold an active Massachusetts electrical license. An individual systems contractor engaged in Security Systems Work must hold at least a Class D license. A business engaged in Security Systems Work must have a licensee with at least a Class C license serve as a qualifying officer. Obtaining a Class D license is a prerequisite to obtaining a Class C license. In all, a Class C license requires three years of on-the-job training; 300 hours of classroom education; 75 hours of advanced system technology and business coursework; and completion of practical and written examinations. 237 CMR 13.03, 13.04, 17.01.

8. The electrical licensure mandate for systems contractors is set forth in G.L. c. 141, §§1 and 1A, as well as in 237 CMR 12.01 and 17.01(c):

‘Security system’, an inherently power limited system of wires, conduits, apparatus, devices, fixtures, or other appliances installed and interconnected electrically or electronically to permit access control, proprietary signaling, surveillance and the detection of burglary, intrusion, holdup, or other conditions requiring response or the transmission of signals or audible alarms. G.L. c. 141, §1; 237 CMR 12.01.

No person, firm or corporation shall enter into, engage in, or work at the business or occupation of installing wires, conduits, apparatus, devices, fixtures, or other appliances for carrying or using electricity for light, heat, power, **fire warning or security system purposes**, unless such person, firm or corporation shall be licensed by the State Examiners of Electricians in accordance with this Chapter, and, with respect to security systems, unless such person, firm or corporation shall

also be licensed by the Commissioner of Public Safety in accordance with the provisions of Sections 57 to 61, inclusive of Chapter 147. G.L. c. 141, §1A.

9. Any advertisement must reflect the contractor's Massachusetts license number, as stated in 237 CMR 18.01(2):

A licensee shall only engage in the electrical trade or otherwise conduct business in the name printed on his or her license. Any sign, advertisement or other business communication of a Master electrician (Class A) or Journeyman electrician (Class B) or Systems Contractor (Class C) shall indicate the type of license and the license number.

10. The ramifications of performing Security Systems Work without the requisite licensure are set forth at G.L. c. 141, §5:

Any person, firm or corporation, or employee thereof, and any representative, member or officer of such firm or corporation individually, entering upon or engaging in the business and work hereinbefore defined, without having complied with this chapter, shall for the first offence be punished by a fine of not less than ten nor more than one hundred dollars, and for a subsequent offence by a fine of not less than fifty nor more than five hundred dollars or by imprisonment in the house of correction for six months, or both.

11. Because Security Systems Work has a direct impact on public safety, in addition to an electrical license, any business engaged in Security Systems Work must obtain an S-license from the Department of Public Safety. An S-license requires a criminal background check of all employees (not just those engaged in the installation of security systems). In other words, all employees who work for companies that engage in Security Systems Work must undergo a CORI check and receive a Certificate of Clearance. A criminal background check is necessary since individuals engaging in Security Systems Work enter homes and businesses; assess security vulnerabilities; install, maintain and monitor security systems; and have access to security codes.

12. The S-license mandate is set for in G.L. c. 147, §57:

The words "security system," as used in Sections 57 to 61, inclusive, shall mean wires, conduits, apparatus, devices, fixtures, or other appliances installed and

interconnected electrically or electronically to permit access control, proprietary signaling, surveillance and the detection of burglary, intrusion, hold up, or other conditions requiring response or the transmission of signals or audible alarms.

No person, firm or corporation shall engage in, **advertise**, or hold themselves or itself out as being engaged in the business of installing, repairing, or offering maintenance for security systems, notwithstanding the name or title used in describing such business, unless licensed for such purpose as provided in Sections 58 and 59 of this Chapter, and Section 3 of Chapter 141.

13. In order to perform Security Systems Work, systems contractors must also pull permits from and notify municipal wire inspectors of the work. The permit mandate is set forth in G.L. c. 143, §3L:

The board of fire prevention regulations shall make and promulgate, and from time to time may alter, amend and repeal, rules and regulations relative to the installation, repair and maintenance of electrical wiring and electrical fixtures used for light, heat and power purposes in buildings and structures subject to the provisions of sections three to sixty, inclusive, and the state building code. Such regulations shall be in accordance with generally accepted standards of engineering practice, and shall be designed to provide reasonable uniform requirements of safety in relation to life, fire and explosion.

Upon the making of such rules and regulations and prior to their promulgation, the board shall hold a public hearing thereon, notice of which shall be given by advertising in at least one newspaper in each of the cities of Boston, Worcester, Springfield, Fall River, Lowell and Lynn, at least ten days before said hearing. If, subsequent to their being deposited with the state secretary, as provided herein, the board on its own initiative contemplates changes in said rules and regulations, or if a petition is filed by any other person for changes therein, like notice and a hearing shall be given and held before the adoption thereof.

Such rules and regulations, and any alterations, amendments or repeals thereof shall be deposited with the state secretary, and the same shall become effective when so deposited.

No person shall install for hire any electrical wiring or fixtures subject to this section without first or within five days after commencing the work giving notice to the inspector of wires appointed pursuant to the provisions of section thirty-two of chapter one hundred and sixty-six. Said notice shall be given by mailing or delivering a permit application form prepared by the board, to said inspector. Any person failing to give such notice shall be punished by a fine not exceeding five hundred dollars. This section shall be enforced by the inspector of wires within his jurisdiction and the state examiners of electricians.

Any person installing for hire electrical wiring or fixtures subject to this section shall notify the inspector of wires in writing upon the completion of the work. The inspector of wires shall, within five days of such notification, give written notice of his approval or disapproval of said work. A notice of disapproval shall contain specifications of the part of the work disapproved, together with a reference to the rule or regulation of the board of fire prevention regulations which has been violated.

14. The purpose of these licensure and permitting requirements is to ensure that the persons providing the Security Systems Work are competent to perform the work – and do perform the work -- in a manner that will protect customers as well as real and personal property.

15. All MSCA members performing Security System Work maintain an active Massachusetts Class A, B, C or D electrical license, have a Certificate of Clearance and work for companies that have an S-license.

16. MSCA members that hold these licenses enjoy a property right in the license such that the practice of Security Systems Work by unlicensed persons constitutes an infringement of their rights.

17. On information and belief, Comcast and/or Verizon, through employees, agents, servants and/or subcontractors, are engaging in Security Systems Work without having earned at least a Class C electrical license.

18. On information and belief, Comcast and/or Verizon do not hold an S-license, and their employees, agents, servants and/or subcontractors who are performing the Security Systems Work do not hold a Certificate of Clearance

19. On information and belief, those performing the Security Systems Work on behalf of Comcast and/or Verizon do not have any educational or training requirements or oversight from any regulatory or governmental body to ensure the work is performed in a safe and competent manner. A letter dated April 5, 2009 from the Massachusetts Department of

Telecommunications and Cable confirming the lack of training and education is attached as

**Exhibit A.**

20. On information and belief, the Comcast and/or Verizon, or their employees, agents, or subcontractors, are not pulling permits from inspectors of wires prior to engaging in the Security Systems Work. Municipal wiring inspectors are aware that Comcast and/or Verizon are performing the Security Systems Work without pulling permits. On information and belief, wiring inspectors from a number of cities and towns have already cited Comcast and/or Verizon for violating the permitting requirements. An Affidavit from Robert Venuti, an officer of the Municipal Electrical Inspectors Association of Massachusetts, is attached as **Exhibit B.**

21. On information and belief, Comcast and/or Verizon have engaged in, and continue to engage in, the following activities which constitute violations of the regulatory schemes in place and which have caused and will continue to cause harm to MSCA members, MSCA businesses and the public:

- a. Verizon is advertising Security Systems Work on its website. According to its website, Verizon's "Home Monitoring and Control" system is offered through a variety of options, including a "Home Monitoring and Control Kit," "Home Monitoring Kit," or "Energy Control Kit." The advertisement does not include reference to Massachusetts license numbers. This violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Verizon is advertising Security Systems Work without being licensed for such purpose. A printout of the Verizon website is attached as **Exhibit C.**
- b. Comcast is also advertising Security Systems Work on its website. The website offers customers "Xfinity Home" through monthly service plans

categorized as “basic,” “preferred,” or “premier.” The advertisement includes a reference to a Central Monitoring Station that can “dispatch emergency services.” The advertisement does not include reference to Massachusetts license numbers. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising Security Systems Work without being licensed for such purpose. A printout of the Comcast website is attached as **Exhibit D**.

- c. Comcast has placed one or more advertisements with the Boston Globe for its home security and fire alarm system. The advertisement makes it clear that the service is currently available for purchase. The advertisement does not include reference to Massachusetts license numbers. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising Security Systems Work without being licensed for such purpose. A copy of the advertisement from the Boston Globe is attached as **Exhibit E**.
- d. An MSCA member received a solicitation from Verizon in the mail describing the “Verizon Home Monitoring and Control” service. The advertisement makes it clear that the service is currently available for purchase. The advertisement includes reference to license numbers from other states but does not include reference to Massachusetts license numbers. This violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Verizon is advertising Security Systems Work without being licensed for such purpose. A copy of the advertisement is attached as **Exhibit F**.

- e. A number of MSCA members have found door hangers from Comcast at their residences. The hangers advertise Xfinity Home service and make it clear that the service is currently available for purchase, as well as installation. In fact, the advertisement notes that "non-standard installation charges and taxes are extra." The advertisement does not include reference to Massachusetts license numbers. This violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising Security Systems Work without being licensed for such purpose. An example of the door hanger is attached as **Exhibit G**.
- f. In April 2012, an MSCA member received an email from an existing customer stating that he had spoken with Comcast regarding its home security service. Comcast had offered to install and monitor its security and alarm system, including smoke detectors and related hardware. A printout of the email is attached as **Exhibit H**.
- g. Verizon and/or Comcast have purchased advertisements on local radio stations promoting Security Systems Work. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising Security Systems Work without being licensed for such purpose.
- h. Comcast has solicited the sale of Security Systems Work at private residences. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising for entering into contracts for Security Systems Work without being licensed to engage in the business of said work.

- i. Beginning in or around March 2012, MSCA members contacted Comcast, asked for, and received information regarding its home security systems. Comcast offered installation of systems and monitoring through monthly service plans, including touch screen keypad, multiple sensors, motion detectors, remote key chains, and smoke detectors. Packages also included options for service plans. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising and installing Security Systems Work without being licensed for such purpose.
- j. A number of MSCA members have also received phone calls from Comcast asking whether they would be interested in contracting with Comcast to install the home monitoring system. Through these solicitations, MSCA has learned that Comcast was performing the Security Systems Work in Massachusetts as early as February 2012. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is installing Security Systems Work without being licensed for such purpose.

**COUNT I**  
**DECLARATORY JUDGMENT**

- 22. The MSCA repeats and realleges the allegations contained in paragraphs 1 through 21 above.
- 23. A controversy exists concerning whether Comcast and Verizon, their employees, servants, agents, and assigns, are performing work that requires licensure pursuant to G.L. c. 141, § 1A, G.L. c. 147, § 57 and related regulations.

24. By performing this work without the requisite licensure, Comcast and Verizon are currently acting in violation of G.L. c. 141, § 1A, G.L. c. 147, § 57 and related regulations.

WHEREFORE, the MSCA seeks a declaration that Comcast and Verizon are performing work that requires a license and are acting in violation of G.L. c. 141, § 1A, G.L. c. 147, § 57 and related regulations.

**COUNT II**  
**PRELIMINARY / PERMANENT INJUNCTION**

25. The MSCA repeats and realleges the allegations contained in paragraphs 1 through 24 above.

26. The MCSA is entitled to an injunction because it is seeking through litigation to achieve the objectives of legislation, *i.e.* G.L. c. 141, § 1A, G.L. c. 147, § 57 and related regulations, enacted for the public health, safety, or welfare.

27. The MSCA has a reasonable likelihood of success on the merits of its claim that Comcast and Verizon, their employees, servants, agents, or assigns, are performing work that requires licenses without holding same.

28. The performance of Security Systems Work by Comcast and Verizon has caused and will continue to cause irreparable harm to MSCA members and to the public due to the life safety and security concerns associated with the work. The legislature has enacted multiple licensure requirements to ensure that those performing this work are educated, competent, and trustworthy. In bypassing all of these legislative requirements, Comcast and Verizon are causing substantial and irreparable harm.

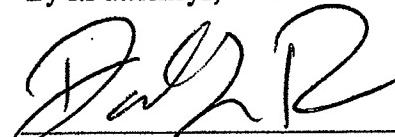
29. The equities favor enjoining the continued performance of Security Systems Work without proper licensure. The issuance of a preliminary injunction in this instance will merely return the licensure requirements surrounding the installation of security and alarm

systems in the Commonwealth to the status quo, wherein all those advertising, installation, repairing, or maintaining such systems will hold the same licenses.

WHEREFORE, the MSCA respectfully requests that this Court enjoin Comcast and Verizon from advertising, selling, contracting for, installing, testing, maintaining, repairing and monitoring conductors, cables, raceways, apparatus, devices, fixtures, or other appliances used for fire warning, security, or signaling, or comparable power limited functions.

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.

By its attorneys,



---

Patricia L. Davidson, Esq., BBO #556647  
David L. Fine, Esq., BBO #663407  
Mirick, O'Connell, DeMallie & Lougee, LLP  
100 Front Street  
Worcester, MA 01608-1477  
Phone: (508) 791-8500  
Fax: (508) 791-8502

Dated: 6/29/12

**VERIFICATION**

I, David Wescott, President of Massachusetts Systems Contractors Association, and I,  
John Camozzi, Vice President of Massachusetts Systems Contractors Association state under the  
pains and penalties of perjury that we have reviewed the factual allegations contained in this  
Amended Complaint and attest that they are true, except where state upon information and belief.



David Wescott, President  
Massachusetts Systems Contractors  
Association

---

John Camozzi, Vice President  
Massachusetts Systems Contractors  
Association

Dated:

06/29/2013 16:16 FAX

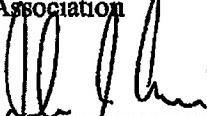
0001/0001

**VERIFICATION**

I, David Wescott, President of Massachusetts Systems Contractors Association, and I, John Camozzi, Vice President of Massachusetts Systems Contractors Association state under the pains and penalties of perjury that we have reviewed the factual allegations contained in this Amended Complaint and attest that they are true, except where state upon information and belief.

---

David Wescott, President  
Massachusetts Systems Contractors  
Association



---

John Camozzi, Vice President  
Massachusetts Systems Contractors  
Association

Dated:

## **EXHIBIT A**



**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

TWO SOUTH STATION  
BOSTON, MA 02110  
(617) 305-3580  
[www.mass.gov/dtc](http://www.mass.gov/dtc)

DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

GREGORY BIALECKI  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

SANDRA CLARKE  
INTERIM UNDERSECRETARY  
OFFICE OF CONSUMER AFFAIRS AND  
BUSINESS REGULATIONS

CAROL E. FOLTZ  
INTERIM COMMISSIONER

April 15, 2009

Representative Colleen M. Garry  
55 Chapman Street  
Dracut, MA 01826

Dear Representative Garry,

I am responding to your April 3, 2009 letter regarding whether the Department of Telecommunication and Cable ("DTC") has any authority over the training and education of telecommunication employees.

Your understanding of the DTC's responsibilities as written in 220 CMR are correct. We do not manage or supervise that segment of the telecommunications' industry.

If I can be of further assistance in this matter, please let me know.

Sincerely,

*Carol E. Foltz*  
Carol E. Foltz  
Interim Commissioner

## **EXHIBIT B**

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO.

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.  
Plaintiff

V.

VERIZON NEW ENGLAND, INC, and  
COMCAST PHONE OF MASSACHUSETTS,  
INC.,  
Defendants

**AFFIDAVIT OF ROBERT R. VENUTI**

I, Robert R. Venuti, being duly sworn, depose and state the following based on my personal knowledge and belief:

1. I am a licensed electrician who lives at 100 Commercial Street, Boston, Massachusetts.
2. I possess my Master Electrical License in Massachusetts (License No. 5453 A) and New Hampshire (License No. 1378), a Journeyman Electrical License in Massachusetts (License No. 14488 E), and a City of Boston Builders City License B&C.
3. I am a former Electrical Inspector and former Senior Electrical Engineer for the City of Boston. I am also the former Assistant Operations Manager for the Massachusetts Convention Center Authority.

4. I am past President of the Eastern Section of the International Association of Electrical Inspectors and Past President of the Paul Revere Chapter of the International Association of Electrical Inspectors.

5. I am the current Secretary/Treasurer for the Municipal Electrical Association of Massachusetts, Rhode Island, and New Hampshire, have been for 34 years.

6. I am aware that Verizon and Comcast have begun to advertise and install security and alarm systems within the Commonwealth.

7. Based on my years of experience in the electrical field, extensive training, and education, it is my opinion that by through the Home Monitoring Service and Xfinity Home, respectively, Verizon and Comcast are performing work that requires an electrical license issued by the Massachusetts Board of State Examiners of Electricians and an "S" license issued by the Massachusetts Department of Public Safety. In addition, the work is of the nature that requires a municipal wiring inspector to issue a permit prior to the work commencing and to inspect the work upon completion.

8. On information and belief, inspectors of wires in at least two cities or towns have notified Verizon and/or Comcast that the work they are performing requires that they contact the municipal inspector of wires prior to performing the work; that they receive a permit from the inspector of wires to perform the work; and that they contact the inspector of wires once the work is complete for an inspection, all pursuant to M.G.L. c. 143, §3L.

9. As a former inspector, I have firsthand knowledge of the negative consequences that can arise from an improperly installed security and alarm systems. If an alarm system fails, the occurrences that the alarm is meant to protect against will manifest themselves, including damage to and loss of real property, personal property, and life.

10. This Affidavit is being offered to the best of my knowledge.

SIGNED UNDER THE PAINS AND PENALTY OF PERJURY, THIS 11<sup>th</sup> DAY OF  
JUNE, 2012.

*Robert R. Venuti*

Robert R. Venuti  
100 Commercial Street  
Boston, MA 02110

# **EXHIBIT C**

Home Monitoring Systems and Home Energy Management | Verizon Home Monitoring a... Page 1 of 7

Residential      Business      Wireless

MA (change) | Sign in / Register

Services      Shop      Support

Community      Search

We are looking up your account information and checking for available services.  
This will only take a moment.



Loading Please Wait...  
[Verizon Shop > Verizon Home Monitoring and Control](#)

## Home Monitoring and Control

Lets you monitor and control your home, anytime,  
virtually anywhere.



### Unlimited Remote Access

\$9.99 per month

Anytime and virtually anywhere online access to monitor and control your home. *Verizon broadband required.*

Wondering where to start?



It's easy to create your perfect home monitoring system. Just answer a few questions, and we'll suggest the right video cameras and energy monitors for your needs.

[Get Started](#)

### Verizon Home Monitoring and Control

Our home automation solution lets you monitor your home environment to help safeguard your family and budget. The system is easy to customize and install. Then control it through a password-protected website for just \$9.99 per month.

Help lower energy use, gain peace of mind

Verizon Home Monitoring and Control lets you self-monitor your home environment from home or away. Depending on the equipment you have or choose to purchase, the system can:

- Let you remotely adjust your thermostat 24/7, over a laptop or even most smartphones

Home Monitoring Systems and Home Energy Management | Verizon Home Monitoring a... Page 2 of 7

- Help lower your energy use by showing where/when electricity is being used
- Let you remotely view your home and lock or unlock doors
- Send automatic event notifications to your computer or phone
- And much more

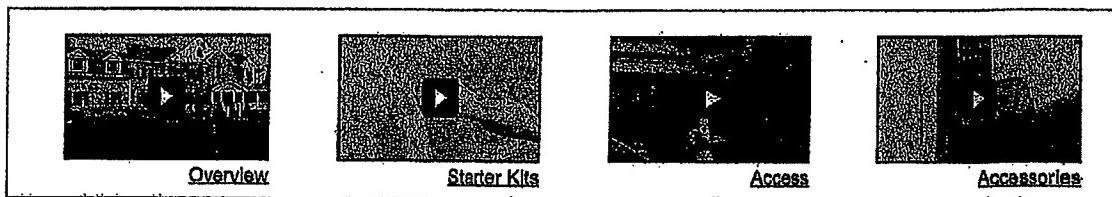
It's easy to install, and easy to use. Anytime and virtually anywhere online access to your system is just \$9.99 per month. Verizon Internet service and equipment kits are required and must be purchased separately.

**Why you can trust Verizon**

For over 100 years, Verizon has provided the innovative products and services that keep people connected in an increasingly busy world.

| That's why you can trust Verizon to utilize our advanced technology and expertise to deliver a new home automation and energy management solution that offers you and your family the convenience, flexibility and peace of mind you deserve.

Critics, reviewers and industry professionals are saying that the Verizon FIOS network is becoming the new standard for fast, reliable TV and Internet service. We are committed to reaching the same levels of success and customer satisfaction with our new home automation products.



Wherever you roam, always know what's going on at home.

Worrying about your home can really take the fun out of travel. A home monitoring system lets you know that everything is okay. Set up a "Vacation" mode that will send you text message or email alerts when something has happened. Then log in through a PC or compatible smartphone to view video of the event and decide what action to take.

**Knock, knock. Who's there? Oh, hi, come on in!**

Children and babysitters, delivery people, contractors and repairmen, houseguests - a lot of people need to get into your home when you can't be there. You don't always want to give out your house key, but what's the alternative? Verizon Home Monitoring and Control has a solution: pass code-activated door locks that lock and unlock your home (even deadbolt locks!) when you decide. Monitor the people who come and go through your front door, and grant or deny access from your PC or compatible smartphone.

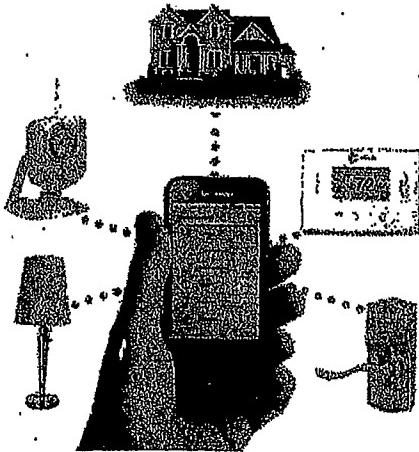
**Benefits of Verizon Home Monitoring and Control**

- 30 day money-back-guarantee on your entire purchase
- Free Energy Reader (\$99.99 value) with purchase of Energy Control Kit or Home Monitoring and Control Kit
- 12-month warranty on all equipment
- One low monthly price for unlimited remote access
- Convenient monthly installment-billing on your Verizon bill
- \$7.99 flat rate shipping
- Self-monitor your home, your way
- FIOS TV Customers: Control your home via the Home Control Dashboard on the FIOS TV menu
- User-friendly set-up and configuration wizard

Home Monitoring Systems and Home Energy Management | Verizon Home Monitoring a... Page 3 of 7

**Part of your Home Control**

Home Monitoring and Control is the first of the Verizon Home Control family of services. Designed to take advantage of high speed Internet connections, these services will combine to customize your 21st century home to be more comfortable and more interactive.



We have Equipment Kits to fit every need and budget!

**Home Monitoring and Control Kit**



Automate your 21st century home! Self-monitor events in and around your house and take control of your home's energy consumption.

**What's in the kit:**

- 1 Gateway Device
- 1 Smart Thermostat
- 1 Appliance Switch 110 Volt
- 1 Indoor Camera
- 1 Indoor Light Module
- 1 Energy Reader - Free (\$99.99 value)
- 1 Remote Control

from \$219.99 Plus \$9.99 per month, unlimited remote access



| [Read all reviews](#)

[Learn More](#)

**Home Monitoring Kit**



Never be taken by surprise! View video of events at your house over your broadband connection - whether you are at home or away.

**What's in the kit:**

- 1 Gateway Device
- 1 Indoor Camera

## Home Monitoring Systems and Home Energy Management | Verizon Home Monitoring a... Page 4 of 7

- 1 Indoor Light Module

from \$69.99 Plus \$9.99 per month, unlimited remote access



[Learn More](#)

#### Energy Control Kit

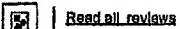


Lower energy use, help the environment! Take control of your energy consumption and help lower your utility bills while conserving resources.

#### What's in the kit:

- 1 Gateway Device
- 1 Smart Thermostat
- 1 Appliance Switch 110 Volt
- 1 Energy Reader - Free (\$99.99 value)
- 1 Remote Control

from \$169.99 Plus \$9.99 per month, unlimited remote access



[Learn More](#)

Home Monitoring and Control Services is provided by Verizon Online LLC. Licensed in NY # 12000302262 by NY State Department of State. VA DJS #11-6867. Requires Home monitoring and control kit starting at \$69.99 (sold separately). Additional monthly recurring service fee of \$99.99 (sold separately), \$7.99 Shipping fee & other taxes and charges apply. Requires home monitoring and control equipment kit, Verizon broadband services and home network, and separately. If you are not completely satisfied, you may cancel your service within 30 days of order, return all equipment provided and receive a refund for any monthly service or equipment charges paid. If you fail to return the equipment an equipment fee will apply. Home Monitoring and Control Service is not available for small business users and is not intended for non-residential consumer or commercial business use. Other terms and conditions apply.



#### Home Monitoring and Control Kit

from \$219.99 Plus \$9.99 per month, unlimited remote access

[Add to Cart](#)  
[Customize Your Kit](#)

#### Home Monitoring Kit

from \$69.99 Plus \$9.99 per month, unlimited remote access

[Add to Cart](#)  
[Customize Your Kit](#)

#### Energy Control Kit

from \$169.99 Plus \$9.99 per month, unlimited remote access

[Add to Cart](#)  
[Customize Your Kit](#)

#### Indoor & Outdoor Cameras

##### What's in the kit?

- 1 Indoor Camera

#### Indoor Lighting Modules

##### What's in the kit?

- 1 Indoor Light Module

#### Smart Thermostats & Control Panels

##### What's in the kit?

- 1 Smart Thermostat

##### What's in the kit?

- 1 Smart Thermostat

#### Appliance Modules

##### What's in the kit?

- 1 Appliance Switch 110 Volt

##### What's in the kit?

- 1 Appliance Switch 110 Volt

#### Energy Reader

##### What's in the kit?

- 1 Energy Reader

##### What's in the kit?

- 1 Energy Reader

#### Remote Control

##### What's in the kit?

- 1 Remote Control

##### What's in the kit?

- 1 Remote Control

Home Monitoring Systems and Home Energy Management | Verizon Home Monitoring a... Page 5 of 7

**Door Locks**

**Door & Window Sensors**

**Upgrade your Verizon Home Monitoring and Control system**

-  [Indoor & Outdoor Cameras](#)
-  [Door Locks](#)
-  [Indoor Lighting Modules](#)
-  [Door & Window Sensors](#)
-  [Appliance Modules](#)
-  [Smart Thermostats & Control Panels](#)
-  [Energy Reader](#)
-  [Remote Control](#)

Don't have a Verizon Home Monitoring and Control system yet? We have Equipment Kits to fit every need and budget!

**Home Monitoring and Control Kit**



Automate your 21st century home! Self-monitor events in and around your house and take control of your home's energy consumption.

**What's in the kit:**

- 1 Gateway Device
- 1 Smart Thermostat
- 1 Appliance Switch 110 Volt
- 1 Indoor Camera
- 1 Indoor Light Module
- 1 Energy Reader - Free (\$99.99 value)
- 1 Remote Control

from \$219.99 Plus \$9.99 per month, unlimited remote access



| [Read all reviews](#)

[Learn More](#)

**Home Monitoring Kit**

Home Monitoring Systems and Home Energy Management | Verizon Home Monitoring a... Page 6 of 7

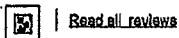


Never be taken by surprise! View video of events at your house over your broadband connection - whether you are at home or away.

**What's in the kit:**

- 1 Gateway Device
- 1 Indoor Camera
- 1 Indoor Light Module

from \$69.99 Plus \$9.99 per month, unlimited remote access



[Learn More](#)

**Energy Control Kit**

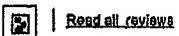


Lower energy use, help the environment! Take control of your energy consumption and help lower your utility bills while conserving resources.

**What's in the kit:**

- 1 Gateway Device
- 1 Smart Thermostat
- 1 Appliance Switch 110 Volt
- 1 Energy Reader - Free (\$99.99 value)
- 1 Remote Control

from \$169.99 Plus \$9.99 per month, unlimited remote access



[Learn More](#)



**Equipment Kits**

- [Home Monitoring and Control Kit](#)
- [Home Monitoring Kit](#)
- [Energy Control Kit](#)

**Upgrade Your System**

- [Indoor & Outdoor Cameras](#)
- [Door Locks](#)
- [Indoor Lighting Modules](#)
- [Door & Window Sensors](#)
- [Appliance Modules](#)
- [Smart Thermostats & Control Panels](#)
- [Energy Reader](#)
- [Remote Control](#)

Home Monitoring Systems and Home Energy Management | Verizon Home Monitoring a... Page 7 of 7



# **EXHIBIT D**

XFINITY™ Home

Page 1 of 3

[Home](#)

- [Features](#)
- [Security](#)
- [Product Details](#)
- [Customer Login](#)

[Check Availability](#)

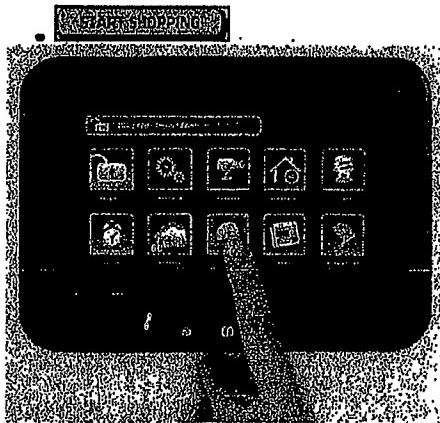
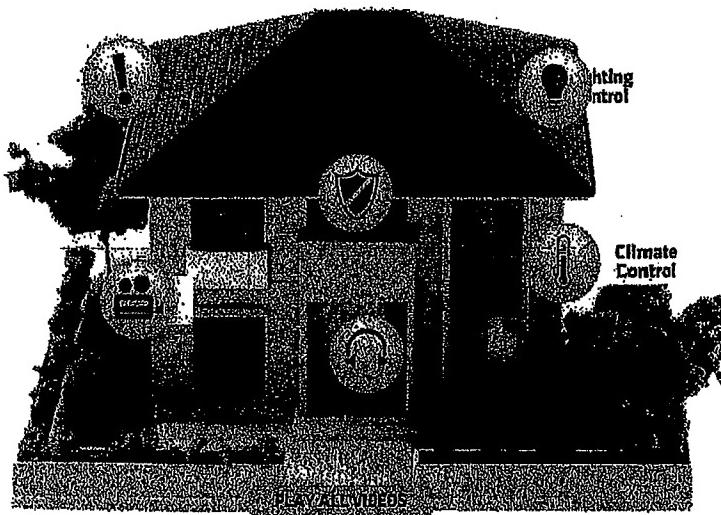
ZIP CODE



## Welcome to **XFINITY™ HOME** SECURITY • CONTROL • ENERGY

We've got a new name for our growing family of innovative, new, smart home services that add convenience and give you peace of mind by keeping you even better connected to your home and family.

Want to see what makes XFINITY™ Home the total home security and home control solution? Use your cursor to explore the house to the right or [READ MORE](#) »



### In-Home Touch Screen

Get ultimate control of your security system, lighting controls and more.  
[Read More»](#)

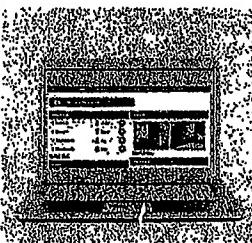
XFINITY™ Home

Page 2 of 3



#### Mobile Access

Stay in control while on-the-go with your smartphone.  
[Read More »](#)



#### Web Portal

Manage your home's alert and event schedules, plus monitor your home from anywhere with live streaming video.  
[Read More »](#)

**More features, more connected, more security, with access in more places — all at the touch of a finger.**

- **Greater Peace of Mind:** With the XFINITY™ Home system, you can stay connected to your home and family whether you're at home or away. Receive text and email alerts or access your system remotely to change settings or even view video clips of key events from any Internet-connected PC or smartphone. It's reassuring to know that your home and family are protected — whether you're there or not.
- **Money Saving Services:** You could save up to 20% on homeowner's insurance when you install XFINITY Home. Plus, with our climate control feature\*, you could save up to 10% on your energy bills! \*Thermostat for Climate Control feature requires customer installation.
- **Backup Protection:** With extended battery backup, your system stays on — even during power outages. Plus, get cellular backup for your system at no additional charge.

[Read More »](#)

**Get the Preferred package from XFINITY Home with the following state-of-the-art equipment included:**

- Window/Door Sensors (4)
- Motion Detector (1)
- Wireless Keypad (1)
- Keychain Remote (1)
- Touch Screen (1)

**Cellular and Battery Backup Included**

**\$300 savings**

with free activation and \$199 installation.



Call 1-800-XFINITY

- [Home](#)
- [Features](#)
- [Security](#)
- [Devices Specifications](#)
- [Licenses](#)

- [Agreement](#)
- [Visit Comcast.com](#)

[Privacy Policy](#) | [Subscriber Agreement](#)

Limited to residential customers. Not available in all areas. 3 year minimum term agreement required: Basic: \$29.95 per month for total monthly recurring charges of \$1,078.20; Preferred: \$39.95 per month for total monthly recurring charges of \$1,438.20; Premier: \$49.95 per month for total monthly recurring charges of \$1,798.20. Installation offer ends 6/30/12 and is limited to standard installation. Early termination fee applies. Requires subscription to XFINITY Internet service. Pricing subject to change. Remote video and fire monitoring requires purchase of additional equipment. Remote access not available with all smartphones. Any other equipment not included in offer, non-standard installation charges and taxes extra. Equipment value based on retail price. Warranty Plan: equipment may be replaced with new or refurbished equipment. Insurance savings source: <http://publications.usa.gov/publications/12ways/12ways.htm>. Insurance discounts vary. Contact your insurance provider for details. CT: 1040196; DE: FAL-0299, FAC-293, SSPS LIC# 11-123; FL: EF20001002; GA: 10037332, LVU406303, LVU406264; MS: 10229553; NC: 29-443-SP-FA/LV; NJ: 34FA00142600, 34BA00183600, 34BX00011100; OR CCB License: 192945; SC: SCPA-13440, SCBA-13497; TN ACL: 1597, 1604; TX: B-02571, B-16922, ACR-1818, ACR-1672104; UT: 8226921-6501; WA: COMCABS892DS; OR and WA: All electrical work is performed by a licensed subcontractor. Call for restrictions and complete details, or visit [comcast.com](#). Comcast ©2012. All rights reserved. All trademarks are the property of their respective owners.

Home

- [Features](#)
- [Security](#)
- [Details & Pricing](#)
- [Customer Login](#)

[Check Availability](#)

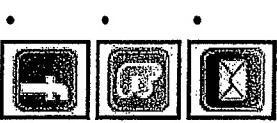
ZIP CODE



[Home > Features > Features Overview](#)

- [Features Overview](#)
- [Touch Screen](#)
- [Web Access](#)
- [Mobile Access](#)
- [Start Shopping »](#)

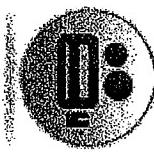
## Features Overview



- [Live Video Monitoring](#)
- [Lighting Control](#)

- Custom Text & Email Alerts
- 24/7 Monitoring
- Climate Control
- Remote Arm/Disarm

Features and equipment vary based on your selected package. [Click here](#) for more information on available packages.



## Video Monitoring

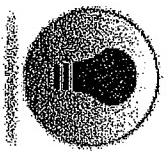
### Know Who, What, Where and When.

View your home at any time with streaming live video from XFINITY™ Home. Each camera is flexible and easy to install, plus you can stream live video or view recorded video clips from any Internet-connected computer or smartphone instantly!



[[Back to Top](#)]

<https://www.comcast.com/homesecurity/features.htm>



[Expand to Learn More](#)

6/26/2012

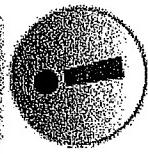
## Lighting Control

### Anybody Home?

Use automated lighting controls to keep intruders guessing and improve the safety of your home. Set your lights to turn on when you enter a room after sunset or randomly turn on and off while you're away. This feature works with any light and is easy to manage through the touch screen, Internet or smartphone.



[Back to Top]



[Expand to Learn More](#)

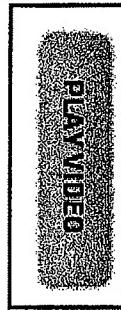
<https://www.comcast.com/homesecurity/features.htm>

6/26/2012

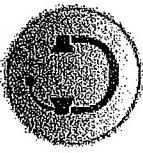
## Custom Text & Email Alerts

### In the Know. On the Go.

With XFINITY™ Home, it's easy to know what's going on at home, no matter how far away you are. By setting custom text and e-mail alerts through the web portal, you can be instantly notified during important—or unexpected—events.



[Back to Top]



[Expand to Learn More](#)

## 24/7 Monitoring

### Any Threat. Any Time.

Burglary, fire and other threats can hit your home when you least expect it. That's why XFINITY™ Home monitors your system 24/7 to quickly respond to these threats.

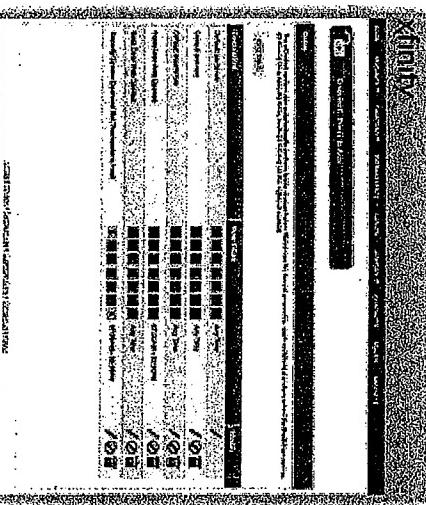


[Back to Top]

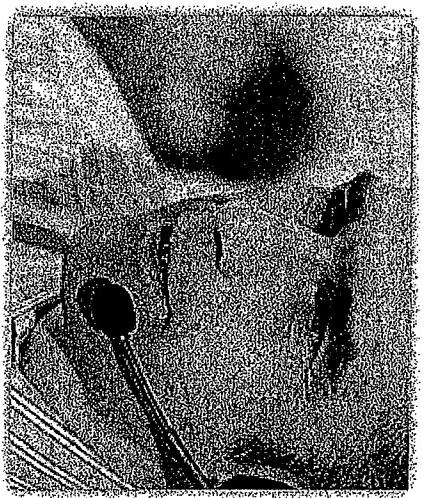
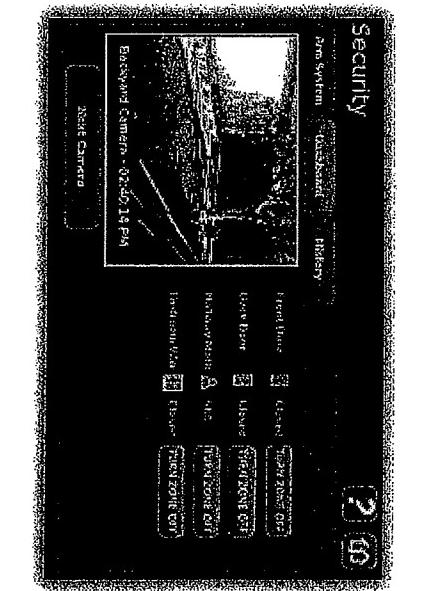
Hide

<https://www.comcast.com/homesecurity/features.htm>

6/26/2012



Receive instant phone, text and e-mail alerts. Easily check the status of your home through the When necessary, the Central Monitoring when threats are detected. Perfect for keeping touch screen, web portal or smartphone app. Station can dispatch emergency services.



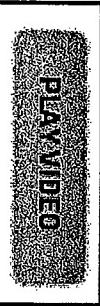
## Climate Control

### Boost Efficiency. Shrink Your Bills.

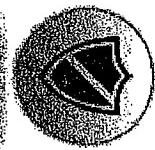
Save money and energy with XFINITY™ Home's climate control feature\*. Use the web portal to create detailed schedules or instantly change the temperature with the smartphone app.

Thermostat for Climate Control feature requires customer installation.

[Back to Top]



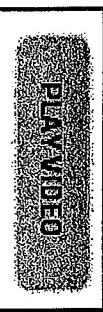
[Expand to Learn More](#)



## Remote Arm/Disarm

### Forgot Something?

No need to worry. XFINITY™ Home allows you to arm and disarm your system from a variety of remote devices, all with the touch of a finger!



[Back to Top]

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Call 1-877-881-7785

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- [Security](#)
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Limited to residential customers. Not available in all areas. 3 year minimum term agreement required: **Basic:** \$29.95 per month for total monthly recurring charges of \$1,078.20; **Preferred:** \$39.95 per month for total monthly recurring charges of \$1,438.20; **Premier:** \$49.95 per month for total monthly recurring charges of \$1,798.20. Installation offer ends 6/30/12 and is limited to standard installation. Early termination fee applies. Requires subscription to XFINITY Internet service. Pricing subject to change. Remote video and fire monitoring requires purchase of additional equipment. Remote access not available with all smartphones. Any other equipment not included in offer, non-standard installation charges and taxes extra. Equipment value based on retail price. **Warranty Plan:** equipment may be replaced with new or refurbished equipment. Insurance savings source: <http://publications.usa.gov/publications/12ways/12ways.htm>. Insurance discounts vary. Contact your insurance provider for details. AR: E2012-0030; AL: 12-1484; CA: 7118; CT: 1040196, ELC.0189754-C5, ELC.1040196-L5; DE: FAL-0299, FAC-293, SSPS LIC# 11-123; FL: EF0000921, EF20001002; GA: 10037332, LVU406264, LVU406190; IL: 1271503, PACA #127-001503; MD: 107-1776; ME: LM-50017039; MI: 3601206217; MS: 10229553; NC: 29-443-SP-FALV, 2335-CSA, 28561-SP-FALV; NJ: 34FA00142600, 34BA00183600, 34BX0011100; NM: 373379; NY: 12000305421; OR CCB License: 192945; SC: SCFA-13440, SCBA-13497, SCFA-13440; TN ACL: 1597, 1604; TX: B-02571, B-16922, ACR-1818, ACR-1672104; UT: 8226921-6501; VA: 11-7361, 2705145289; VT: Type S-ES-2366; WA: COMCABS892DS; WV: LV2128157360212, WV049211; OR and WA. All electrical work is performed by a licensed subcontractor. Call for restrictions and complete details, or visit comcast.com.

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## **EXHIBIT E**

GLOBE

TheRegion.com

# xfinity.

## INTRODUCING **XFINITY HOME** SECURITY. CONTROL. ENERGY.

### The future of home security starts now.

Imagine staying connected to your home and family even when you're away. Being able to set the alarm for your house without actually being there. Or seeing what the dogs are doing while you're away. Imagine greater peace of mind - whether you're home or not.

It's what makes XFINITY® Home the total home security and home control solution.

### SECURITY

- A staff of highly trained professionals
- 24/7 state-of-the-art monitoring center
- Cellular and broadband up to help you stay connected

### CONTROL

- Remote access from your smartphone or computer
- Remote light and video monitoring
- A sleek, easy-to-use touch screen interface
- Flex and email alerts

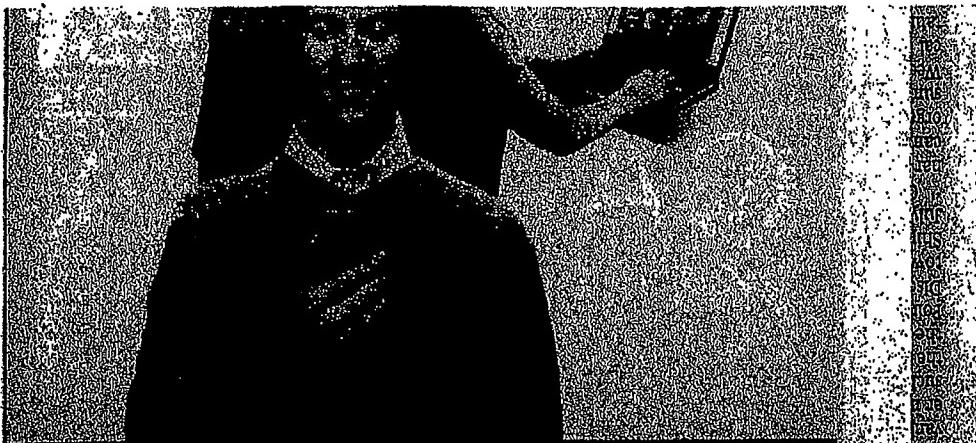
### ENERGY

- Save up to 10% on your energy bills
- Control your lights and thermostats remotely

### VALUE

- Save up to 20% on homeowners insurance with XFINITY Home
- Fire monitoring at no additional charge
- One certain remote included





Get the Preferred Pathway from XEWTY Home with over \$1,168 worth of stockholder engagement included:

- Wykonać przedziały na podstawie danych podanych w tabelce
  - Ustalić funkcję f(x)
  - Wykonanie zadania (1) – (7) z wykorzystaniem R programu

**Save over \$500!  
Call FREE 4am-9pm  
Or FREE Installation  
TODAY!**

1-880-XFINITY

See how XFINITY Home works  
[xfinity.com/home](http://xfinity.com/home)

comcast

The National Trust for Places of Historic Interest or Natural Beauty

## **EXHIBIT F**

P.O. Box 952  
Marlton, NJ 08053-0952



0287



**Verizon Home  
Monitoring and Control.  
Peace of mind for less  
than \$10 a month.**

Dear [redacted]

Whether we're away for the day or on a weeklong vacation, we all ask ourselves the same question: "How are things back home?" Now, thanks to Verizon Home Monitoring and Control, you can see for yourself from virtually anywhere.

New technology means new peace of mind.

It's so advanced, it's simple. Just place one or more of our small cameras in your home. Then all you need is a computer, compatible smartphone or tablet to see everything that's happening.

Check up on the dog or cat. See who's coming and going. Make sure the cleaning person is on the job or the delivery man showed up. It always feels better when you know for sure.

And with Home Monitoring and Control, you can start small or get it all. Here's a sample of the useful equipment we offer:

- Indoor and outdoor cameras. Get a complete picture of your home.
- Motion sensors. If a door or window is opened, get a notification sent to your smartphone.
- Light activation. Turn on the lights before you get home so you don't fumble in the dark.
- Remote door locks. Unlock doors remotely for family members without keys.

Less than \$10 a month? Yes, it's that affordable.

We've made Verizon Home Monitoring and Control so easy to afford. It's just \$9.99 a month (after a one-time equipment charge). You probably pay more for coffee each week.

As a Verizon customer, you already know how amazing Verizon technology can be. Now we're bringing you our latest advancement: peace of mind. Learn more about this important new service for your home. Visit [verizon.com/homemonitor3](http://verizon.com/homemonitor3) or call 1.888.425.3044 (Mon.-Fri., 8am-9pm; Sat., 9am-5pm).

Sincerely,

A handwritten signature in black ink, appearing to read "Arturo Piccioli".

Arturo Piccioli  
Director, Customer Relationship Marketing

Home Monitoring and Control Service is provided by Verizon Online LLC and is available to both FIOS and Verizon High Speed Internet customers. Licensed in NY #12000302262 by NY State Department of State. VA DKS #11-0657 Requires home monitoring and control kit, starting at \$69.99 (sold separately). Additional monthly recurring service fee of \$9.99 billed separately. Shipping fee & other taxes and charges apply. Requires home monitoring and control equipment kit. Verizon broadband line equipment, an equipment fee will apply. Home Monitoring and Control Service is not available for small business users and is not intended for nonresidential consumer or commercial business use. Other terms and conditions apply. ©2012 Verizon.

## **EXHIBIT G**

MOB ACTX 00000017

## XFINITY HOME

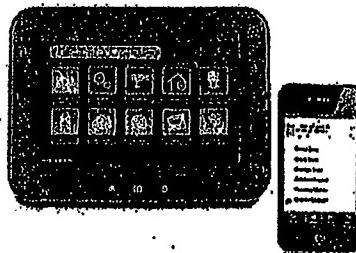
SECURITY CONTROL ENERGY

Stay connected to your home –  
no matter where you are.

A0IX

4114

# xfinity.



When you think of home security, what comes to mind? A keypad? Or maybe a way to secure your doors and windows? But what if home security could do more? What if it gave you the power to see your kids get home while you're at work? Or let you turn on the lights on your way home?

We didn't just ask these questions. We answered them. The result is XFINITY® Home, the total home security and home control solution. This state-of-the-art system delivers greater peace of mind and so much more:

#### MORE SECURITY

- 24/7 broadband connection and cellular backup means you're always connected — even if your Internet is down — all at no additional charge
- 24/7 state-of-the-art monitoring center
- A staff of highly trained professionals
- Battery backup included for additional protection

#### MORE CONNECTED

- Remote access from your smartphone or computer
- Text and email alerts
- Weather, news reports and more

#### MORE FEATURES

- Remote control and video monitoring
- A sleek, easy-to-use touch-screen interface
- Light and thermostat controls

#### MORE VALUE

- Save up to 20% on homeowner's insurance with XFINITY Home
- Fire monitoring at no additional charge
- Save up to 10% a month on your energy bill
- Keychain remote included

See how XFINITY Home can help protect your home and your family in a whole new way. Call 1-877-863-3193 and experience greater peace of mind anytime, anywhere.

Sincerely,

Comcast

P.S. Act by 4/15/12 to take advantage of this great offer.

GET  
XFINITY  
HOME

FREE  
ACTIVATION  
plus just \$199  
installation

OVER \$300  
in savings

Bring home  
greater peace of mind.

Call 1-877-863-3193 today.

See reverse side for information, details and restrictions.

IP/6377 0108

comcast.



## **EXHIBIT H**

**From:**  
**Date:** April 28, 2012 10:20:43 AM EDT  
**To:**  
**Subject:** RE: Revised Contract

Ralph,

We're getting close to making a decision on installing security, and a little comparison shopping reveals that there are cheaper deals out there. I know you're not surprised, and I'm not going to make a choice just based on a low price. We all know how that can end up. But I did check with Xfinity since they offer home security and are already a provider for us. They offer something comparable (at least in terms of hardware) including one smoke detector for about \$1600 less in install fees and for \$40/month. Are you familiar with their offering at all, and can you tell me where you guys are better?

Regards,

*Doug*

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO. 12-1165-D

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.  
Plaintiff

v.

VERIZON ONLINE, LLC, and COMCAST  
BROADBAND SECURITY, LLC,  
Defendants

RECEIVED

JUN 29 2012

CLERK OF COURTS  
~~WORCESTER COUNTY~~  
PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION

The plaintiff is the Massachusetts Systems Contractors Association, Inc. ("MSCA") which is an association of licensed electronic systems contractors. Systems contractors advertise, sell, contract for, install, test, maintain, repair and monitor conductors, cables, raceways, apparatus, devices, fixtures, or other appliances used for fire warning, security, or signaling, or comparable power limited functions (the "Security Systems Work"). G.L. c. 141, §1; 237 CMR 12.01. Security Systems Work is strictly regulated by state law. The plaintiff brings this action to enjoin illegal Security Systems Work by unlicensed corporations.

The defendants, Verizon Online, LLC ("Verizon") and Comcast Broadband Security, LLC ("Comcast") are companies that primarily provide cable, internet and telephone services to residential and commercial customers. Verizon and Comcast recently began engaging in Security Systems Work. The defendants are providing Security Systems Work by and through unlicensed persons or businesses. The defendants are harming MSCA members and the public by having unqualified persons or businesses perform Security Systems Work. The unlicensed

Security Systems Work is causing, and will continue to cause, irreparable harm to association members and to the public.

WHEREFORE, with reference to, and in reliance on, the attached memorandum of law, Verified Complaint, affidavit, and exhibits, MSCA seeks the issuance of a preliminary injunction enjoining Verizon and Comcast from advertising, selling, contracting for, installing, testing, maintaining, repairing, and monitoring the Security Systems Work.

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.

By its attorneys,



Patricia L. Davidson, Esq., BBO #556647  
David L. Fine, Esq., BBO #663407  
Mirick, O'Connell, DeMallie & Lougee, LLP  
100 Front Street  
Worcester, MA 01608-1477  
Phone: (508) 791-8500  
Fax: (508) 791-8502

Dated: 6/29/12

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT  
WORCESTER DIVISION  
CIVIL ACTION NO. 12-1165-D

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.,  
Plaintiff

v.

VERIZON ONLINE, LLC and COMCAST  
BROADBAND SECURITY, LLC,  
Defendants

**MEMORANDUM IN SUPPORT  
OF PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION**

**RECEIVED**

JUN 29 2012

I. **INTRODUCTION**

CLERK OF COURTS  
WORCESTER COUNTY

The plaintiff is the Massachusetts Systems Contractors Association, Inc. ("MSCA") which is an association of licensed electronic systems contractors. Systems contractors advertise, sell, contract for, install, test, maintain, repair and monitor conductors, cables, raceways, apparatus, devices, fixtures, or other appliances used for fire warning, security, or signaling, or comparable power limited functions (the "Security Systems Work"). G.L. c. 141, §1; 237 CMR 12.01. Security Systems Work is strictly regulated by state law. The plaintiff brings this action to enjoin illegal Security Systems Work by unlicensed corporations.

The defendants, Verizon Online, LLC ("Verizon") and Comcast Broadband Security, LLC ("Comcast") are companies that primarily provide cable, internet and telephone services to residential and commercial customers. On information and belief, Verizon and/or Comcast recently began to engage in Security Systems Work. Comcast and/or Verizon are providing Security Systems Work by and through unlicensed persons or businesses. Comcast and/or Verizon are harming MSCA members and the public by having unqualified persons or

businesses perform Security Systems Work. The unlicensed Security Systems Work is causing, and will continue to cause, irreparable harm to association members and to the public.

In support of this motion the MSCA submits its Verified Complaint with exhibits, including the Affidavit of Robert Venuti. The MSCA seeks a preliminary injunction enjoining Comcast and Verizon from advertising, selling, contracting for, installing, testing, maintaining, repairing and monitoring Security Systems Work.

## II. FACTS

MSCA is a trade association comprised of systems contractors that are engaged in the business of Security Systems Work. Security Systems Work is a professional occupation requiring a certain level of education, training and licensure to ensure competent and safe work. As such, the Security Systems Work is strictly regulated by state law. In summary, a contractor engaged in Security Systems Work must be licensed by the Board of State Examiners of Electricians, must pull permits from municipal wiring inspectors, and individuals must undergo a criminal background check by the Department of Public Safety before performing Security Systems Work.

In general, there are four types of electrical licenses under Massachusetts law: Class A – Master Electrician; Class B – Journeyman Electrician; Class C – Systems Contractor; and Class D – Systems Technician. To earn and maintain each license, an individual must complete mandated classroom hours; must participate in on-the-job training; must pass practical and written examinations; must pay license fees; and must participate in continuing education.

Contractors engaged in Security Systems Work must hold an active Massachusetts electrical license. An individual systems contractor engaged in Security Systems Work must hold at least a Class D license. A business engaged in Security Systems Work must have a licensee

with at least a Class C license serve as a qualifying officer. Obtaining a Class D license is a prerequisite to obtaining a Class C license. In all, a Class C license requires three years of on-the-job training; 300 hours of classroom education; 75 hours of advanced system technology and business coursework; and completion of practical and written examinations. 237 CMR 13.03, 13.04, 17.01.

The electrical licensure mandate for systems contractors is set forth in G.L. c. 141, §§1 and 1A, as well as in 237 CMR 12.01 and 17.01(c):

**'Security system'**, an inherently power limited system of wires, conduits, apparatus, devices, fixtures, or other appliances installed and interconnected electrically or electronically to permit access control, proprietary signaling, surveillance and the detection of burglary, intrusion, holdup, or other conditions requiring response or the transmission of signals or audible alarms. G.L. c. 141, §1; 237 CMR 12.01.

No person, firm or corporation shall enter into, engage in, or work at the business or occupation of installing wires, conduits, apparatus, devices, fixtures, or other appliances for carrying or using electricity for light, heat, power, **fire warning or security system purposes**, unless such person, firm or corporation shall be licensed by the State Examiners of Electricians in accordance with this Chapter, and, with respect to security systems, unless such person, firm or corporation shall also be licensed by the Commissioner of Public Safety in accordance with the provisions of Sections 57 to 61, inclusive of Chapter 147. G.L. c. 141, §1A.

It is also a requirement that any advertisement reflect the contractor's Massachusetts license number, as stated in 237 CMR 18.01(2):

A licensee shall only engage in the electrical trade or otherwise conduct business in the name printed on his or her license. Any sign, advertisement or other business communication of a Master electrician (Class A) or Journeyman electrician (Class B) or Systems Contractor (Class C) shall indicate the type of license and the license number.

The ramifications of performing Security Systems Work without the requisite licensure are set forth at G.L. c. 141, §5:

Any person, firm or corporation, or employee thereof, and any representative, member or officer of such firm or corporation individually, entering upon or

engaging in the business and work hereinbefore defined, without having complied with this chapter, shall for the first offence be punished by a fine of not less than ten nor more than one hundred dollars, and for a subsequent offence by a fine of not less than fifty nor more than five hundred dollars or by imprisonment in the house of correction for six months, or both.

Because Security Systems Work has a direct impact on public safety, in addition to an electrical license, any business engaged in Security Systems Work must obtain an S-license from the Department of Public Safety. An S-license requires a criminal background check of all employees (not just those engaged in the installation of security systems). In other words, all employees who work for companies that engage in Security Systems Work must undergo a CORI check and receive a Certificate of Clearance. A criminal background check is necessary since individuals engaging in Security Systems Work enter homes and businesses; assess security vulnerabilities; install, maintain and monitor security systems; and have access to security codes.

The S-license mandate is set for in G.L. c. 147, §57:

The words "security system," as used in Sections 57 to 61, inclusive, shall mean wires, conduits, apparatus, devices, fixtures, or other appliances installed and interconnected electrically or electronically to permit access control, proprietary signaling, surveillance and the detection of burglary, intrusion, hold up, or other conditions requiring response or the transmission of signals or audible alarms.

No person, firm or corporation shall engage in, **advertise**, or hold themselves or itself out as being engaged in the business of installing, repairing, or offering maintenance for security systems, notwithstanding the name or title used in describing such business, unless licensed for such purpose as provided in Sections 58 and 59 of this Chapter, and Section 3 of Chapter 141.

In order to perform Security Systems Work, systems contractors must also pull permits from and notify municipal wire inspectors of the work. The permit mandate is set forth in G.L. c. 143, §3L:

The board of fire prevention regulations shall make and promulgate, and from time to time may alter, amend and repeal, rules and regulations relative to the installation, repair and maintenance of electrical wiring and electrical fixtures

used for light, heat and power purposes in buildings and structures subject to the provisions of sections three to sixty, inclusive, and the state building code. Such regulations shall be in accordance with generally accepted standards of engineering practice, and shall be designed to provide reasonable uniform requirements of safety in relation to life, fire and explosion.

Upon the making of such rules and regulations and prior to their promulgation, the board shall hold a public hearing thereon, notice of which shall be given by advertising in at least one newspaper in each of the cities of Boston, Worcester, Springfield, Fall River, Lowell and Lynn, at least ten days before said hearing. If, subsequent to their being deposited with the state secretary, as provided herein, the board on its own initiative contemplates changes in said rules and regulations, or if a petition is filed by any other person for changes therein, like notice and a hearing shall be given and held before the adoption thereof.

Such rules and regulations, and any alterations, amendments or repeals thereof shall be deposited with the state secretary, and the same shall become effective when so deposited.

No person shall install for hire any electrical wiring or fixtures subject to this section without first or within five days after commencing the work giving notice to the inspector of wires appointed pursuant to the provisions of section thirty-two of chapter one hundred and sixty-six. Said notice shall be given by mailing or delivering a permit application form prepared by the board, to said inspector. Any person failing to give such notice shall be punished by a fine not exceeding five hundred dollars. This section shall be enforced by the inspector of wires within his jurisdiction and the state examiners of electricians.

Any person installing for hire electrical wiring or fixtures subject to this section shall notify the inspector of wires in writing upon the completion of the work. The inspector of wires shall, within five days of such notification, give written notice of his approval or disapproval of said work. A notice of disapproval shall contain specifications of the part of the work disapproved, together with a reference to the rule or regulation of the board of fire prevention regulations which has been violated.

The purpose of these licensure and permitting requirements is to ensure that the persons providing the Security Systems Work are competent to perform the work – and do perform the work -- in a manner that will protect customers as well as real and personal property. All MSCA members performing Security System Work maintain an active Massachusetts Class A, B, C or D electrical license, have a Certificate of Clearance and work for companies that have an S-license.

MSCA members that hold these licenses enjoy a property right in the license such that the practice of Security Systems Work by unlicensed persons constitutes an infringement of their rights.

On information and belief, Comcast and/or Verizon, through employees, agents, servants and/or subcontractors, are engaging in Security Systems Work without having earned at least a Class C electrical license. On information and belief, Comcast and/or Verizon do not hold an S-license, and their employees, agents, servants and/or subcontractors who are performing the Security Systems Work do not hold a Certificate of Clearance. On information and belief, those performing the Security Systems Work on behalf of the defendants do not have any educational or training requirements or oversight from any regulatory or governmental body to ensure the work is performed in a safe and competent manner. A letter dated April 5, 2009 from the Massachusetts Department of Telecommunications and Cable confirming the lack of training and education is attached to the Amended Verified Complaint as **Exhibit A**.

On information and belief, Comcast and/or Verizon are also not pulling permits from inspectors of wires prior to engaging in the Security Systems Work. Municipal wiring inspectors are aware that Comcast and/or Verizon are performing the Security Systems Work without pulling permits. On information and belief, wiring inspectors from a number of cities and towns have already cited Comcast and/or Verizon for violating the permitting requirements. An Affidavit from Robert Venuti, an officer of the Municipal Electrical Inspectors Association of Massachusetts, is attached to the Amended Verified Complaint as **Exhibit B**.

On information and belief, Comcast and/or Verizon have engaged in, and continue to engage in, the following activities which constitute violations of the regulatory schemes in place

and which have caused and will continue to cause harm to MSCA members, MSCA businesses and to the public:

- a. Verizon is advertising Security Systems Work on its website. According to its website, Verizon's "Home Monitoring and Control" system is offered through a variety of options, including a "Home Monitoring and Control Kit," "Home Monitoring Kit," or "Energy Control Kit." The advertisement does not include reference to Massachusetts license numbers. This violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Verizon is advertising Security Systems Work without being licensed for such purpose. A printout of the Verizon website is attached to the Verified Amended Complaint as **Exhibit C**.
- b. Comcast is also advertising Security Systems Work on its website. The website offers customers "Xfinity Home" through monthly service plans categorized as "basic," "preferred," or "premier." The advertisement includes a reference to a Central Monitoring Station that can "dispatch emergency services." The advertisement does not include reference to Massachusetts license numbers. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising Security Systems Work without being licensed for such purpose. A printout of the Comcast website is attached to the Amended Verified Complaint as **Exhibit D**.
- c. Comcast has placed one or more advertisements with the Boston Globe for its home security and fire alarm system. The advertisement makes it clear that the service is currently available for purchase. The advertisement

does not include reference to Massachusetts license numbers. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising Security Systems Work without being licensed for such purpose. A copy of the advertisement from the Boston Globe is attached to the Verified Amended Complaint as **Exhibit E**.

- d. An MSCA member received a solicitation from Verizon in the mail describing the “Verizon Home Monitoring and Control” service. The advertisement makes it clear that the service is currently available for purchase. The advertisement includes reference to license numbers from other states but does not include reference to Massachusetts license numbers. This violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Verizon is advertising Security Systems Work without being licensed for such purpose. A copy of the advertisement is attached to the Amended Verified Complaint as **Exhibit F**.
- e. A number of MSCA members have found hangers from Comcast at their residences. The hangers advertise Xfinity Home service and make it clear that the service is currently available for purchase, as well as installation. In fact, the advertisement notes that “non-standard installation charges and taxes are extra.” The advertisement does not include reference to Massachusetts license numbers. This violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising Security Systems Work without being licensed for such purpose. An example of the door hanger is attached to the Amended Verified Complaint as **Exhibit G**.

- f. In April 2012, an MSCA member received an email from an existing customer stating that he had spoken with Comcast regarding its home security service. Comcast had offered to install and monitor its security and alarm system, including smoke detectors and related hardware. A printout of the email is attached to the Amended Verified Complaint as **Exhibit H.**
- g. Verizon and/or Comcast have purchased advertisements on local radio stations promoting Security Systems Work. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising Security Systems Work without being licensed for such purpose.
- h. Comcast has solicited the sale of Security Systems Work at private residences. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising for entering into contracts for Security Systems Work without being licensed to engage in the business of said work.
- i. Beginning in or around March 2012, MSCA members contacted Comcast, asked for, and received information regarding its home security systems. Comcast offered installation of systems and monitoring through monthly service plans, including touch screen keypad, multiple sensors, motion detectors, remote key chains, and smoke detectors. Packages also included options for service plans. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is advertising and installing Security Systems Work without being licensed for such purpose.

j. A number of MSCA members have also received phone calls from Comcast asking whether they would be interested in contracting with Comcast to install the home monitoring system. Through these solicitations, MSCA has learned that Comcast was performing the Security Systems Work in Massachusetts as early as February 2012. This conduct violates G.L. c. 141, § 1A and G.L. c. 147, § 57 because Comcast is installing Security Systems Work without being licensed for such purpose.

### III. ARGUMENT

#### A. Preliminary Injunction Standard.

The issuance of a preliminary injunction generally rests with the sound discretion of the judge. T&D Video, Inc. v. City of Revere, 423 Mass. 577, 580 (1996) (quoting Foreign Auto Import, Inc. v Renault Northeast, Inc., 367 Mass. 464, 472-73 (1975)). The criteria to be considered include a combined evaluation of the moving party's likelihood of success on the merits, its claim of injury, and a balancing of the competing harms to each party. Id. (citing Packaging Indus. Group, Inc. v. Cheney, 380 Mass. 609, 615 (1980)). It is also appropriate for to consider the significance of the public interest in granting injunctive relief. Bank of New England, N.A. v. Mortgage Corp. of New England, 30 Mass. App. Ct. 238, 246 (1991) (citing Krebiozen Research Foundation v. Beacon Press, Inc., 334 Mass. 86, 99 (1956)).

Although MSCA can satisfy these elements, meeting the typical injunction standard is not essential in this case because Massachusetts has adopted a modified version of the standard for injunctive relief where a party is seeking through litigation to achieve the objectives of legislation, such as G.L. c. 141, §1 et seq. covering "Supervision of Electricians," enacted for the

public health, safety, or welfare. Davis v. Cape Cod Hosps, 2008 WL 1820642, \*2 (Mass. App. Ct. 2008). Under this standard, “[i]f the plaintiff demonstrates the likelihood of a statutory violation harmful to the public interest, it need not show specific irreparable harm in order to achieve preliminary injunctive relief. The probable violation of the legislatively defined public interest will be sufficient.” Id. (citing LeClair v. Norwell, 430 Mass. 328, 331-32 (1999); Edwards v. Boston, 408 Mass. 643, 646-47 (1990); Commonwealth v. Mass. CRINC, 392 Mass. 79, 89-90 (1984)). Moreover, “the demonstration of a likely statutory violation corresponds to a showing of the likelihood of ultimate success upon the merits. It relieves the party of the showing of irreparability impliedly because the expected injury to the legislatively prescribed public interest amounts to irreparable harm.” Id.

B. MSCA Is Seeking To Enforce Legislation Enacted For The Protection Of Public Health, Safety, And Welfare

The laws addressing licensure of systems contractors were enacted for the purpose of protecting public health, safety, and welfare. See G.L. c. 141, §1 et seq.; G.L. c. 147, §§57-61; see also Mercado v. Manny's T.V. and Appliance, Inc., 77 Mass. App. Ct. 135, 139-40 (2010) (quoting Levy v. Bd. of Registration & Discipline in Med., 378 Mass. 519, 527-28 (1979)) (“[t]he historical aim of licensure generally is preservation of public health, safety, and welfare by extending the public trust only to those with proven qualifications”). By using unlicensed people to install alarm systems, Verizon and Comcast are performing work that is directly harmful to the public health, safety, and welfare. Not only is the work itself dangerous, but an alarm system installed incorrectly can and does cause significant property damage and personal injury, including loss of life. Venuti Aff., ¶¶ 9, attached to the Amended Verified Complaint as **Exhibit B**. Additionally, defective alarm systems leads to increased incidents of false alarms

which add unnecessary costs to municipalities and cause public safety issues because of increased emergency response teams on the roads.

The Legislature recognized the need to regulate the alarm industry by creating a multi-faceted regulatory scheme. The scheme requires businesses and individuals engaged in Security Systems Work to hold electrical licenses. It requires that individuals performing the installation receive criminal background checks and obtain Certificates of Clearance before they are permitted to do the work. It requires municipal wiring inspectors to issue permits and to inspect the work upon completion. Venuti Aff., ¶¶ 7-9, attached to the Amended Verified Complaint as **Exhibit B.**

Verizon and Comcast are in the cable, telephone, and internet business. Now the same people who were installing cable lines are being told to install, repair, maintain, and monitor security, fire, and alarm systems. These systems are comprised of complicated networks, necessarily involve electrical or electronic applications and components, and concern life safety in a manner and to an extent that telecommunication operations do not. These actions put the public health and safety directly at risk.

Verizon and Comcast are actively performing this type of work in Massachusetts with no regulation or oversight from any governmental or regulatory body. See **Exhibit A** to the Amended Verified Complaint, Letter from the Massachusetts Department of Telecommunications and Cable. This conduct flies in the face of the mandates laid down by the Legislature, and it is certainly in the public interest to enjoin them from continuing as such. To prohibit Verizon and Comcast from installing alarm systems without licenses or permits is to further the “important public policy” of protecting “public health, safety, and welfare.” Mercado, 77 Mass. App. Ct. at 139 (citing Falcon v. Leger, 62 Mass. App. Ct. 352, 360 (2004)).

C. MSCA Is Likely To Succeed On The Merits Of Its Claims.

MSCA is likely to succeed on the merits because Comcast and Verizon are (1) advertising and installing alarm systems without an electrical license in violation of G.L. c. 141, §1A; (2) advertising and installing alarm systems without an “S” license in violation of G.L. c. 147, §§57-61; and (3) installing alarm systems without permits from municipal wiring inspectors in violation of G.L. c. 143, §3L. Under Davis, *supra*, “the demonstration of a likely statutory violation corresponds to a showing of the likelihood of ultimate success upon the merits.” Davis, 2008 WL 181820642 at \*2.

1. Comcast And Verizon Are Violating G.L. c. 141, §1A

Chapter 141 of the General Laws is called “Supervision of Electricians.” Chapter 141 contains a specific roadmap for what activities are regulated under its purview and what a person or entity must do in order to legally perform those activities. Specifically, the statute provides that “[n]o person, firm or corporation shall enter into, engage in, or work at the business or occupation of installing wires, conduits, apparatus, devices, fixtures, or other appliances for carrying or using electricity for ... fire warning or security system purposes, unless such person, firm or corporation shall be licensed by the State Examiners of Electricians in accordance with this Chapter.” G.L. c. 141, §1A.

Verizon and Comcast have launched massive advertising campaigns concerning the “Home Monitoring Service” and “Xfinity Home,” respectively. Verizon and Comcast are clearly advertising and installing these services within Massachusetts. Verified Compl., ¶ 21. The work required to install these services is commensurate with the work described in G.L. c. 141, §1A. Accordingly, providing these services without a license is unsafe and is tantamount to a violation the statute.

2. Comcast and Verizon are Violating G.L. c. 147, §§57-61

Chapter 147 of the General Laws is entitled “State and Other Police, and Certain Powers and Duties of the Department of Public Safety.” Because security systems deal with things that harm people and their property, such as fire and theft, the Legislature deemed it necessary to require that employers ensure their employees not only have an electrical license, but also have a certificate indicating that they have cleared a criminal background check. Specifically, the statute addresses public safety surrounding the “installation, repair or maintenance of security system” and provides that “[n]o person, firm or corporation shall engage in, advertise, or hold themselves or itself out as being engaged in the business of installing, repairing, or offering maintenance for security systems” unless that person, firm, or corporation holds an electrical license (G.L. c. 147, §§57-58) and passes a Criminal Record Offender Information (CORI) check (G.L. c. 147, §59).

The Verizon “Home Monitoring Service” and the Comcast “Xfinity Home” clearly constitute “security systems” pursuant to G.L. c. 147, §§57-61. Am. Verified Compl., ¶ 21. As such, the advertising and installation of those services without a license from the department of public safety is a violation of the statute.

3. Comcast and Verizon Are Violating G.L. c. 143, §3L

Chapter 143 of the General Laws concerns inspection, regulation, and licensing for buildings, among other things. Section 3L specifically addresses “Regulations relative to electrical wiring and fixtures; notice of electrical installation.” The statute requires that “[n]o person shall install for hire any electrical wiring or fixtures subject to this section without first or within five days after commencing the work giving notice to the inspector of wires.” Likewise, “[a]ny person installing for hire electrical wiring or fixtures subject to this section shall notify the

inspector of wires in writing upon the completion of the work. The inspector of wires shall, within five days of such notification, give written notice of his approval or disapproval of said work."

It is evident that Verizon and Comcast are conducting the type of work that is regulated by G.L. c. 143, §3L. In fact, on information and belief, as of the date of this filing, inspectors of wires in at least two cities or towns have notified Verizon and/or Comcast that the work they are performing violates G.L. c. 143, §3L. Venuti Aff., ¶ 8, attached to the Amended Verified Complaint as Exhibit B. Verizon and Comcast are installing alarm and security systems without a municipal permit, which is a violation of G.L. c. 143, §3L.

4. Verizon and Comcast Are Not Exempt Because They Are Subject To Regulation By The Department Of Public Utilities Or The Department Of Telecommunications And Cable.

To the extent Verizon and Comcast argue that they are exempt from the licensure requirement because they are subject to regulation by the Department of Public Utilities or the Department of Telecommunications and Cable, that argument lacks merit because, according to the Department of Telecommunications and Cable ("DTC"), DTC does not manage, supervise, or have any authority over the training and education of telecommunication employees, and it "does not manage or supervise that segment of the telecommunications industry." See Exhibit A to the Amended Verified Complaint. At the time this statute was passed, "systems work" was not being performed by companies subject to regulation by DTC, but now these companies have expanded their scope of work to include "systems work" which is subject to regulation by law.

G.L. c. 141, §7 contains a list of the type of work that does not require an electrical license:

This chapter shall not apply to: ... the work of companies subject to regulation by the department of public utilities or the department of telecommunications and

cable, and incorporated for the **transmission of intelligence** by electricity in installing, maintaining or repairing wires, apparatus, fixtures, or other appliances used by such companies and necessary for, or incident to, their business.

By its clear terms, this exemption is limited to work that is related to the “transmission of intelligence” which consists of cabling and transmission infrastructure for delivery of phone, internet, and entertainment media. Systems work is a more specific body of activity which involves a more complicated system of interconnected components within a building structure, the application of which is regulated by the building code, electrical code, and license laws and regulations including permitting, and has serious impact on life safety and protection of property, and further has ramifications on first responders rushing to help including law enforcement, firefighters, ambulance, and others.

##### **5. Verizon and Comcast Are Not Exempt Because The Work Is “Wireless”**

To the extent Verizon and Comcast claim that the work they are doing is not subject to the licensure requirements because it is “wireless,” that argument is erroneous because the statutory definition of “security system,” found at G.L. c. 141, §1, includes power systems that are connected both “electrically” and “electronically”:

‘Security system’, an inherently power limited system of wires, conduits, apparatus, devices, fixtures, or other appliances installed and interconnected electrically **or electronically** to permit access, control, proprietary signaling, surveillance and the detection of burglary, intrusion, holdup, or other conditions requiring response or the transmission of signals or audible alarms.

As such, even if the systems are being transmitted without the use of wires, they are still being transmitted “electronically” and are therefore subject to the licensure requirements. Further, most wireless systems are not 100% wireless, and require wiring for components such as sirens, annunciators, and zone expanders for larger systems. For “taking over” existing installed wired systems, wiring is also required. It is grossly misleading to say that a company doing “wireless” systems does not do wiring.

Moreover, the fact that the systems may be wireless do not account for the public health and safety issues and related policy concerns. A security system deals with things like fire and theft that can cause great harm to people and property regardless of whether the system is installed in a manner that can be categorized as “wireless.” False alarms have direct negative consequences including added costs to municipalities and more emergency response teams rushing to the scene subjecting themselves and the public to traffic danger. The policy objectives of G.L. c. 147, §§57-61 will be undermined if Verizon and Comcast are permitted to bypass its requirements and install security systems with persons who have not undergone a background check. If an injunction is not granted, the practical result is that the people who install and monitor security systems in Massachusetts will be entirely unregulated.

D. MSCA Will Suffer Irreparable Harm If An Injunction Is Not Granted

Under Davis, *supra*, MSCA does not have to show irreparable harm specific to itself or its members “because the expected injury to the legislatively prescribed public interest amounts to irreparable harm.” Davis, 2008 WL 1820642 at \*2. Notwithstanding, MSCA does indeed stand to suffer irreparable harm if an injunction is not granted because (1) its members have a property interest in their license which interest will be forever damaged, and (2) equitable relief is the remedy that will afford MSCA members protection against injury to their property.

1. MSCA Members Have Property Right In Their Electrical Licenses

One who holds a license to engage in a professional occupation enjoys a property interest in that license. Richard F. Mallen & Associates, Ltd. v. Myinjuryclaim.com Corp., 769 N.E.2d 74, 76 (Ill. App. 3d. 2002). The security systems industry is heavily regulated. The statutory and regulatory scheme governing the industry contains strict requirements for an individual to receive and maintain a certificate “C” systems contractors’ license. To obtain the license, an

individual must complete three years of on the job training; 300 hours of classroom education; 75 hours of advanced system technology and business coursework; and practical and written examinations. There are similar requirements for renewal, including continuing education and fees. As in other professional fields such as law, the unlicensed practice of the profession is an infringement upon the rights of those that are licensed. Id. (“the practice of law by an entity not licensed constitutes an infringement upon the rights of those who are properly licensed”). Consequently, MSCA members are being directly and irreparably harmed by the defendants’ willful neglect of the regulatory scheme.

Likewise, allowing unlicensed corporations and individuals to install and maintain security and alarm systems without possessing the requisite expertise or competence causes irreparable harm to the public (of which MSCA members belong) by increasing the chance for negative results such as defective installation, damage to property and personal injury or death. Venuti Aff., ¶ 9, attached to the Amended Verified Complaint as **Exhibit B**. In addition, the number of false alarms will increase which will cause municipalities to incur substantial additional costs and which will place the public at increased risk of harm because of additional emergency response teams on the roads. This conduct also irreparably degrades the Massachusetts electrical industry itself by mocking a regulatory scheme operating specifically upon the premise that hiring licensed systems contractors is the best way to promote the public interest.

2. Equitable Relief Is The Best And Only Remedy Available

Comcast and Verizon are advertising and/or installing security and alarm systems with individuals that do not have the requisite training and education, and who have not paid the mandated fees. The activity of Comcast and Verizon is inherently unfair and violative of a

statutory and regulatory scheme that was enacted precisely to prescribe this type of conduct and to protect against its negative consequences. In short, this is the type and kind of irreparable harm that can only be remedied by and through injunctive relief.

E. The Public Interest Favors Granting An Injunction

Because this case is between private parties and the applicable substantive law involves issues that concern the public interest, this Court is warranted in considering the public interest as a factor in determining whether to issue injunctive relief. Bank of New England, N.A. v. Mortgage Corp. of New England, 30 Mass. App. Ct. at 246 (citations omitted). As noted above, the laws governing supervision and licensure of systems contractors squarely concern the public health, safety, and welfare. See G.L. c. 141, §1 et seq.; G.L. c. 147, §§57-61. The Legislature has set forth clear rules restricting the practice of installing security systems in Massachusetts. The Legislature deems the restriction necessary to further the public health and safety. In bypassing these restrictions, Verizon and Comcast are performing work that is likely to cause substantial harm to property and persons within the Commonwealth. Venuti Aff., ¶¶ 9, attached to the Amended Verified Complaint as **Exhibit B**.

F. The Risk of Irreparable Harm To MSCA And To The Public Interest Outweighs The Potential Harm To Verizon And Comcast

The plaintiff's likelihood of success on the merits of their claims, together with the risk of irreparable harm to both the plaintiff and the public if unlicensed persons continue to install security and alarm systems, clearly outweighs any potential harm to the defendants. The plaintiff's interest in seeing the injunction granted is not only protection of its members' proprietary interests in their licenses, but also the overall health and safety of the public. The only harm that the defendants stand to incur is monetary, which is outweighed by the interest in

public safety. An injunction will return the industry to the status quo in that it will ensure that all businesses and individuals engaged in such work are playing by the same rules.

**IV. CONCLUSION**

Verizon and Comcast are advertising and/or installing security and alarm systems. They are doing this work without licenses and without pulling permits. They are having employees, agents, servants, and/or subcontractors perform this work without holding a Massachusetts electrical license, a Massachusetts "S" license from the department of public safety, and without obtaining wiring permits from municipal inspectors. MSCA has met the standard for issuance of a preliminary injunction, including irreparable harm and likelihood of success on the merits. Additionally, because of the inherently dangerous and sensitive nature of the work being offered to and performed for the general public in the Commonwealth, the public interest will be substantially negatively affected if this work is not immediately enjoined.

WHEREFORE, the Massachusetts Systems Contractors Association, Inc. seeks a preliminary injunction enjoining Comcast and Verizon from advertising, selling, contracting for, installing, testing, maintaining, repairing, and monitoring the Security Systems Work.

MASSACHUSETTS SYSTEMS  
CONTRACTORS ASSOCIATION, INC.

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